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SCARCE AND INTERESTING

T R A C T S.

WRITTEN BY

PERSONS OF EMINENCE;

UPON THE MOST IMPORTANT, POLITICAL  
AND COMMERCIAL SUBJECTS.

DURING THE YEARS 1763, 1764, 1765, 1766, 1767,  
1768, 1769 and 1770.

“ The bent and genius of the age, is best known in a free  
“ Country, by the Pamphlets which daily come out, as con-  
“ taining the Sense of Parties, and sometimes the Voice of the  
“ Nation.”

LORD SOMERS'S MOTTO.

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IN FOUR VOLUMES.

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V O L. H.

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L O N D O N:

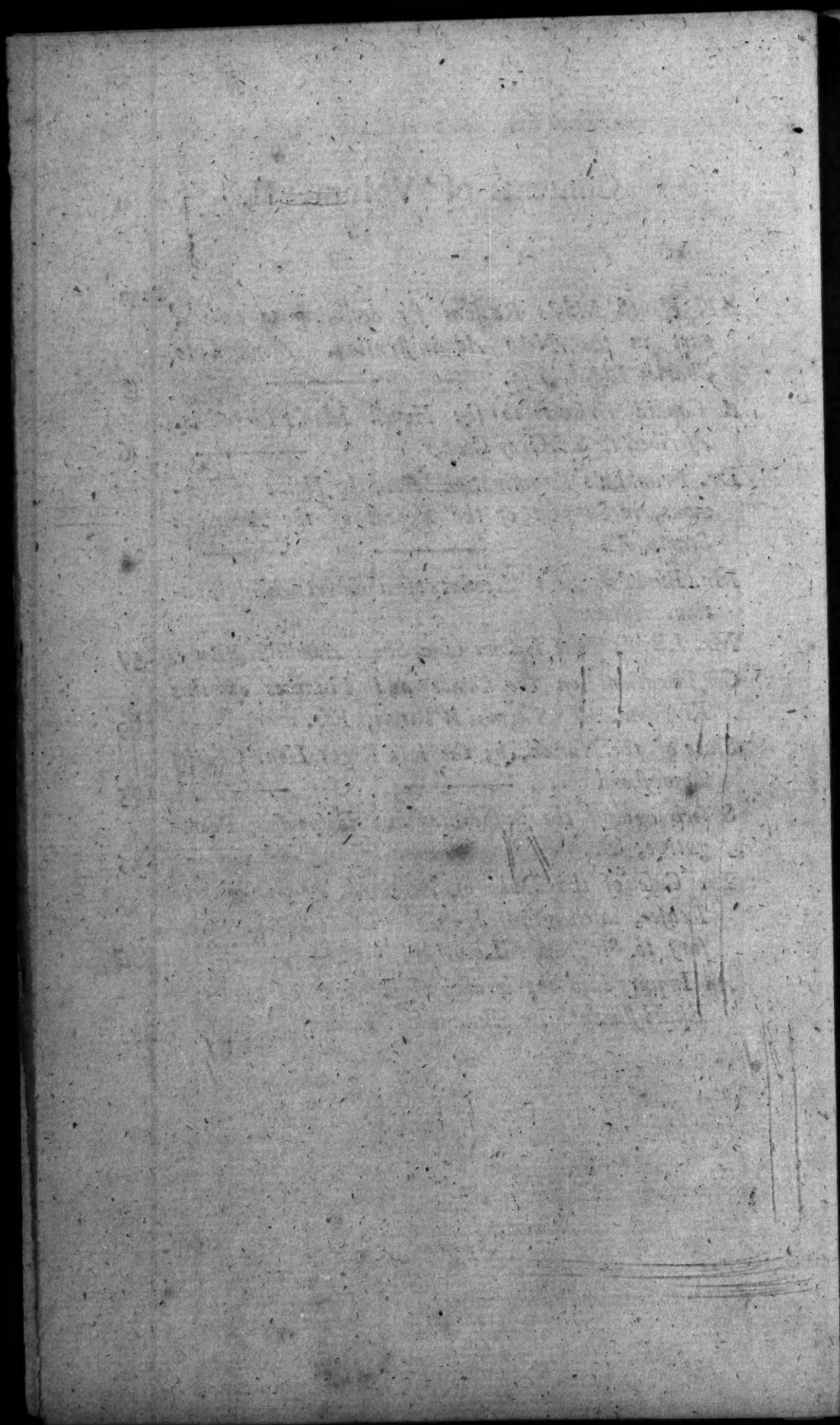
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## Contents of Volume II.

	Page
<i>AN Honest Man's Reasons for declining to take a part in the New Administration. Ascribed to Charles Lloyd, Esq.</i>	3
<i>A Candid Answer to the Honest Man's Reasons. Ascribed to Sir Grey Cooper</i>	6
<i>Dr. Franklin's Examination before the House of Commons, in Support of the Repeal of the American Stamp Act</i>	24
<i>Mr. Burke's Short Account of a Short Administration. And</i>	
<i>Mr. Lloyd's True History of a Short Administration</i>	57
<i>Considerations on the Trade and Finances of this Kingdom. By Thomas Whately, Esq.</i>	69
<i>State of the Nation, by the late Right Hon. Charles Townshend</i>	205
<i>Speech against the Suspending and Dispensing Prerogative, &amp;c.</i>	225
<i>The Case of the Duke of Portland, respecting two Leases, lately granted by the Lords of the Treasury to Sir James Lowther</i>	306
<i>An Inquiry into the legality of Pensions on the Irish Establishment. By Alexander McAulay, Esq.</i>	353





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## AN HONEST MAN'S REASONS

FOR DECLINING TO TAKE PART IN THE

## NEW ADMINISTRATION.

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[Upon the dismissal of Mr. Grenville's administration at the end of June 1765, a new ministry was formed by the late Duke of Cumberland, with the Marquis of Rockingham at the head of it; offers having been made by his Royal Highness to Mr. Pitt, Lord Temple, &c. who declined them. As soon as the principal persons of the new ministry had kissed hands, the following pamphlet was published. It was ascribed to Lord Lyttelton, but very unjustly: it is believed to have been written by Charles Lloyd, Esq. private secretary to Mr. Grenville.]

**I**F I could have prevailed on myself, to have deserted that system which I have so heartily approved, and those friends with whom I have so uniformly acted for these two years, it must have been from motives, not of ambition or interest, but from the prospect of promoting still more effectually the public benefit. I cannot, however, indulge this pleasing hope from the arrangements which are now taking place.

The new ministers are proclaimed the deliverers of their country. *The influence of the favourite is to be entirely removed, and his friends to be proscribed.* I will not enquire whether *the favourite whom they pretend to abjure*, is not the great magician, who gives even the appearance of solidity to this phantom of administration; neither shall I enter into an examination of the characters of the new ministry, of whom, having never mixed in those diversions to which they have given

the greater part of their time, it is impossible for me to speak knowingly.—Sensible, however, themselves that the bottom of their abilities or experience is too narrow to bear them, they seek for shelter under other names than their own, and having received the nominations of every officer from a duke who himself stands the least forward, hope to owe their success to the patronage of men who are known to be most adverse. With this view they are daily promising to their adherents the approbation and support of some who have absolutely refused, and of others who have not consented to an union with their party.

Those who hold the two highest stations in the law, have *most falsely* been cited, as giving sanction to a change, which in fact they have most publicly and sincerely regretted. The marquis, the favourite of the army and of the people, and another noble lord closely united to him in affection and in office, have, with equal injustice, been held forth as friends to a system of which they have declared their disapprobation. But these young gentlemen, *who have never appeared on any stage before*, in order to conciliate to themselves the good opinion of the public, have been industrious to inform us, that they undertake the representation of this political drama at the particular desire of the *popular statesman*. They have circulated with uncommon assiduity, that Mr. Pitt heartily approved of the new system, that he would give to it himself, and solicit for it from his friends, a cordial support. As I have no commerce with that gentleman, I can only judge of the part which he will take, from what I think his temper, his opinions, and his character would lead him to.

Did he really approve the system, to which, for the sake of procuring more numerous subscriptions, they have prefixed his name, I am persuaded he would have taken some official department; that he would have  
nomi-

nominated men, to whose interests he was attached, and on whose principles and plans he could have depended; and that being secure of answering his own purposes, by accepting the forts of government, he would not have suffered them to have dropped into the hands of a ministry composed of the extravagancies of youth, and the infirmities of age. I know that another very respectable name is held out as the shield of Ajax, under which these military statesmen are to march to conquest. It were to be wished, that those to whom the circulation of these reports is committed, had been forbidden to sport with names so near the throne, and particularly that a restraint had been put on that insolent publication, in which it was declared, that *this noble personage was recalled to a second life, by the distresses of his nephew*—The single purpose of putting forward a name which must always be treated with respect, can only be that of uniting *men*. The uncertainty and variety of measures which have been pursued under it, leave little room to hope for a stability of system, even were his life to be as long as our regards would make us wish it. In whatever light, therefore, I look at this administration, whether on the hollow ground, on which they have chosen to put themselves, the exchanging, or rather accumulating favouritism, which they pretend to abolish; or on the motley and discordant ages and characters, which compose it; or on those whom, either falsely, or fruitlessly, they claim as their protectors, I am confirmed in my resolution of refusing to give it countenance or support.

If the enmity, which the new ministry professes towards Lord B— is sincere, they will be repaid in kind, and their ruin then is at the distance of a few months only; for it is not probable, that the man who has repeatedly broken his word of neutrality with those to whom he had been considerably indebted, should keep



it to those who declare open war with him. They cannot themselves be blind to this, but must expect that he who removed a well-grounded and successful minister, to revenge the dismissal of his brother, will not sit tamely by and see the rest of his friends proscribed by a set of men, who have neither popularity nor abilities to delay their destruction.

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A CANDID ANSWER TO A LATE PAMPHLET, ENTITULED  
AN HONEST MAN'S REASONS FOR DECLINING TO TAKE  
ANY PART IN THE NEW ADMINISTRATION.

*Dii patrii, quorum semper sub numine Troja est,  
Non tamen omnino Teucros delere paratis,  
Cum tales animos JUVENUM, et tam certa tulistis pectora.*

VIRG.

[Ascribed to Grey Cooper, Esq. now Sir Grey Cooper, Bart. who a short time after the publication of this pamphlet, which was in June 1765, was appointed one of the secretaries to the treasury, under the Marquis of Rockingham.]

I AM glad to find, that certain gentlemen are at last convinced of their error, and have laid aside the prejudices they used to entertain against the harmless writers and printers of pamphlets. I remember, when it was thought an object worthy the attention of a ministry to crush these hydra-heads of liberty, with all their Herculean powers. Conviction has prevailed over prepossession, and the public may again be amused and informed by a succession of polemic writings. Amongst the various productions on the subject of the late happy change, a remarkable pamphlet is lying now before me, which bears for its title, *The Honest Man's Reasons for declining to take any Part in the new Administration.* The author (be he my lord or sir) who thus thinks it incumbent on him to state the reasons of his

his political secession, may, for any thing I know to the contrary, have been offered some place, for which he was thought capable; but he will pardon me if (ignorant as I am of his great abilities and superabundant honesty) I hesitate somewhat to allow, that those were the only reasons, which may have influenced his very singular conduct. As I pretend not to know positively, who this anonymous writer is, I may venture to attribute his self-denial rather to the effects of self-conceit and disappointment; and I may suppose further, without offence, that, having in this performance vented his spleen and resentment, he may, in his cooler moments, come to resolve, that, without any disparagement to his honesty or merit, he may accept some future offer, which this now obnoxious and incapable ministry may do him the honour *to lay in his way*. He may then, for his own sake, be sorry and repent of publishing a work, which he must wish, when that day comes, to have recalled; because, whilst he is arraigning the extravagancies of youth in others, he has certainly convinced the world, that he is himself *young, very young* in political sagacity and experience.

Whatever may be the consequences of this injudicious step to himself, my present concern is only to take care, that *detraction* may not be mistaken for *argument*, *fiction* for *fact*, and *assertion* for *proof*. That the public may weigh in equal scales the arguments produced on both sides, and may be enabled to judge, which are the lightest in the balance, I will consider the pamphlet almost paragraph by paragraph.

Our author begins with insinuating, that to take part with the present ministry would be to *desert* his former system. I answer, that to take part with the present administration would be so far from a *desertion of his system*, that it would be *uniformly to persevere in it*,

and to avail himself of the success, which a determined opposition to bad measures has at last procured.

Whatever objections he may have to make to *some of their arrangements*, he cannot be a fair and impartial observer, who does not see, that the *prospect of the public benefit being promoted* is beyond comparison, greater under our present governors than it was under the former. The measures of our *former* governors have been arraigned, tried, and condemned by the voice, little less than unanimous, of the people. The measures of the *present*, he allows, are not sufficiently public to warrant an examination of them. It is by their actions and measures alone, that they ought to be judged; and they are confident, the people will not be deceived by any wild hypothesis, which this mistaken, though perhaps honest man, has formed in his discontented brain; and which every day's experience will destroy.

One merit they have apparent and undeniable at their first setting out, that the mischievous influence of that clan of ministers, who owed their introduction to the error of the favourite, has been *fundamentally and radically removed*. This advantage being confessedly gained to the public, it matters not to the public whether the late favourite lent his assistance to this removal of so fragrant an evil; nor whether it took its rise from his resentment or caprice. When their inveterate enemies happen to quarrel, honest and wise politicians will lay hold of so favourable an opportunity to do good to others, and come at their own right. Like experienced generals before a garrison, which has risen up in mutiny, they will avail themselves of the lucky moment for attack, will enter in, during the confusion, at the unguarded breach, and take possession of the otherwise impregnable citadel. The prosperous gale and tide present themselves but rarely in affairs of  
great



great importance.—If once neglected, they scarce ever return again.

Nor is it worth disputing, what opinion the late favourite may hold of those, who have the reins of government now in their hands. The nation, which entertains already a favourable opinion of them from their former spirit and integrity, will establish a more perfect judgment of them from their present and future actions. If, to the utmost of their abilities, they should pursue the public good, all honest men will certainly take part with them, will readily assist, and support them; and that support will make it impossible for the favourite ever to regain his former influence. But if they should be *deserted* in the course of their best endeavours by those, who formerly made a part of their line of battle, deserted *perhaps* for no better reason than because this or that friend is not humoured and indulged in all his partialities or prejudices, *and for reasons he has hitherto declined to reveal*, the want of due support may possibly restore the favourite to that influence, which otherwise he never could have regained. This is the very conduct, which no doubt the favourite, if he should be mad enough to make a fresh attempt, must sincerely rejoice at. It is the next step to the taking a part *with him*: or is, perhaps, an underhand disguised expedient to restore *those others* to influence, whom it has cost us so much anxious labour to deprive of it.

*Hoc Ithacus velit, & magno mercentur atridæ.*

But the late minister, (separated now for the first time from his associates, and in the singular number) has acted, as the honest man is persuaded, *without any concert or dependence on the E. of B—*: it follows necessarily, that all the arbitrary and futile measures, of which he was accused before of being no more than a

participant, must be charged sole to his own account. An heavy load, too weighty, he will find, even for his able shoulders to support; from which the friends of the E. of B. may wish *him* joy of being so luckily discharged. Methinks the panegyrist of this upright and wise minister should be cautious of inticing others, at present somewhat incredulous, into the same persuasion. His spirited friend will be no otherwise a gainer by it than to have exchanged the appellation of a tool for something worse.

The removal of G. from his high station, is apparently a fore, that galls not a little his new champion. I will not dispute with him in mathematical problems, to whom principally the merit belongs of G.'s removal; but it is obvious to common sense, that if G. supports B. H. and S. who are prejudicial to K. and C. it behoves K. and C. if they are wise, to remove G. from the power of doing harm, no less than B. H. and S. — I cannot, in my conscience, join the encomiums he bestows upon his *well grounded and successful* minister. By what means he had *any ground at all* to stand upon, the late favourite can best explain; *successful*, it must be allowed, he has been in the defence of general warrants; and in the diminution of p—y privilege; *successful* in an obstinate perseverance, in an odious *extension of the excise*; *successful* in maintaining k—s and beggars in their offices, and keeping honest sufferers out of their rights.—How far he has been successful in his measures relating to America, the numberless remonstrances and complaints arriving daily from that country will in a short time inform us. His merits, upon examination, will scarce appear considerable enough to justify the aspersions cast so undeservedly on the leaders of the present administration; nor can I see any proof from his past services, that the fate or fortunes of this country depend, in the least degree, upon  
his

his being permitted to rule over, or take any part with them.

But *what is to be the gain to the public*, it is asked, by this late ministerial revolution? Is it any thing more than a squabble about places?—A question very easily to be answered. That squabble about places is *important to the public*—it is important, that honest men should be put into them; that influence and power should be in the hands of honest men, to the end that measures tending to the public good may be pursued. Nor is it surely any imputation upon such, nor need they ever repent, that they are favoured and supported by great men, as honest as themselves; and, till it can be proved, that they have *not* abilities to execute their several functions, I am at a loss to conceive, how they can, in their public characters, have incurred any honest man's indignation. They, who will not be slavish dependants upon any great man whatever, disdain the thought of submitting to the dominion of *double favouritism*; and it is an instance only of their candour and moderation, not of their servility, that they are disposed to employ under them a few able persons, who have been favoured formerly with Lord Bute's protection. It is this candour and dispassionate temper, which has prompted them to look out for abilities in every quarter, *where those abilities have not been stained with arbitrary and oppressive principles*.—Of all men under this description they desire the concurrence, they will not be ashamed to bespeak, and endeavour to procure the honourable aid, and support.

*Tros rutulusve fuat, nullo discrimine habebunt.*

It is a real concern to them, that some, for whose integrity they have a perfect esteem, of whose abilities they are most fully convinced, have not consented hitherto to an union with their party, and that some indeed,



deed have absolutely refused to enroll with them. But these our *patriots in places* are, thank Heaven, not so dispirited, as not to undertake to do as much good to their country, as they may be able, *even without them*; and they will still wish for the arrival of that happy day, when the accession and cordial union of those, whose absence they lament, shall contribute to strengthen their steady endeavours, and, by that reasonable junction, enable them to stand forth, as ministers *without exception*; they have the modesty not to deny, that all of them cannot lay claim to *experience* in their departments; but they may flatter themselves, that, without detriment to the public service, an extraordinary degree of attention and diligence will go a great way towards supplying that defect; and, should any trivial error be committed by them, instead of defending it, as their immediate predecessors have done, they will not be ashamed to own, and to correct it.

It is an hardy assertion, which no honest man would make without a certainty of the *fact*, that two respectable persons, holding the highest stations in the law, have *most publicly and sincerely regretted the late change*. I might as well assert, what has been as industriously circulated, that one of them has no more partiality to the *outs*, than to the *ins*, but lumps them in his detestation equally together. The other, I can never believe, can be convicted of expressing himself unfavourably, either of his ancient friendships, or his family connections; and it would be doing an injustice to both these worthy personages to suppose, they will set their faces against any ministry, that shall appear to act from honest principles. Neither ought it to obtain any more credit, that the popular marquis and his affectionate colleague in office are so utterly averse to a system, of which they hitherto condescend to act as constituent parts.

What

What the great commoner may think of these *young gentlemen*, (a name I shall not scruple to adopt, as carrying no reproach with it, till it appears they are too *young* to do their country service) or what he may have said, if he has said any thing in approbation or dislike of their new system, I shall not take upon me to affirm; both sides, it is very probable, have made more use of his name and opinion, than can be fairly justified; but I may venture, after the example of my *honest, honest* antagonist, to judge of the part he will take, from what I think his temper, his opinion, and his character would lead to. First then, from a recollection of what I have heard passed in parliament, where Mr. Pitt and Mr. Conway were zealously embarked in the same cause, in the defence of the rights and liberties of the people, I can by no means assent, that he will like the new administration the worse for General Conway's having a considerable share in it. I should judge, that there is nobody of whose abilities and integrity he has a better opinion. Nor does it follow, that he totally disapproves their system, because he has not taken any official department amongst them. Who knows, that his own judgment did not incline him to have taken one? Who will pretend to affirm, that, if he had been unconnected, and entirely left to his *first thoughts*, he would not have presided, at this moment, with his councils, over those, whose zeal he had so long directed, whose principles he had so constantly approved? and upon whom indeed could he have pitched for his associates in the task of government, but upon those very persons, whose misfortune it now is, as well as the greatest objection made to them, that they are deprived, most unaccountably, of his immediate assistance? If the essential interests of the nation are committed, as the *non-acceptant* urges, to a ministry composed of the *extravagancies of youth*, and the *infirmities of age*, upon whom, let me presume to ask him, must the blame fall,

that

that the great commoner does not, with his abilities, prevent this giddiness and dotage from being prejudicial to his country? It was made capital, by Solon's laws, for any person to continue *neuter*, when the *commune magnum* was endangered by parties.—The more therefore, that this honest recusant, who disdains to change his *modern* friends for an employment, succeeds in proving the *inexperience* and *inability* of the present well-intentioned administration, the more he shews the absolute necessity there is for the assistance of every candid and disinterested patriot; and the more occasion he will have to justify that scrupulous delicacy, which has prompted one of his friends, as it is said, to shrink from *the weight of popular odium*, and another to *refuse to stoop* to take part with them. But, the brave knot of Englishmen, who have appeared with so much credit to themselves and no less benefit to the nation, *on the stage of parliament*, who stood up so undauntedly in defence of our ancient constitution, will skulk behind the shield of no political Ajax for protection in so glorious a cause. I trust they are not *now* so few in number, as to doubt of conquest; I rather believe, as well as hope, they cannot fail of success; but, if they should, they will have had the merit of having manfully attempted it, of having struggled for it, and of deserving it. Far from thinking it an *insolence*, or symptom of their *imbecility*, to boast of the support of one of most noble and meritorious personages in the nation, they will continue (without asking leave of the honest trimmer) to glory in the patronage of so respectable a leader, to rejoice in the support of a patriot hero, who wishes to live but to serve his distressed country, and who, by the *wisdom of his councils in the cabinet* has been endeavouring recently to restore peace and harmony throughout his majesty's dominions, which he had delivered formerly from imminent danger, by his *military hand* in the field of battle.



It is with some reluctance, that I launch out further upon a subject, of so very delicate a nature; I have confined myself to a stile of moderation, from a desire not to *offend*; but, in defence of an injured character, which appears to me to be by some misunderstood, and is by others misrepresented, I shall not stop to consider whom my arguments may displease. If the friends and dependants of this justly popular prince have heretofore been steady in their opposition to bad measures, it may surely be presumed from thence, that *he did not sleep regardless of the royal miseries*, but was *incessantly* at work to remove them; and the aspersions cast upon his many and conspicuous virtues, are most convincing proofs, that he has been *much more alert* to extricate his sovereign from distress, than some defeated politicians could have wished. But, when they have the barefaced hardiness to add, that his interposition has *increased* those miseries, instead of relieving them, they display to the world their cloven feet, by preferring in their esteem their late inveterate enemies to their still cordial friends; and, by thus playing the game into the hands of those, whom they so lately opposed, against the very men, with whom they have the reputation, for some time to have acted.

It is agreed on all sides, that this noble personage has most industriously employed his power to effectuate this happy revolution. By whose particular means he was introduced to receive that power, he has employed so meritoriously, the public is not very solicitous to enquire. The change imports them only as they feel the good effects of it; and feeling them, they will continue to bless the hand which has procured them. But this, it seems, however immaterial to the nation, is one of the chief causes of the honest pamphleteer's disapprobation. The noble agent, not being entirely to *his* taste, his prejudices have wrought upon him to arraign the measure itself; he will not therefore lend  
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his hand to pump, he will not help to save the sinking vessel, because his friends dislike the pilot, nor yet will take the rudder into their own hands, and sit at the helm in his place. Is then the ship to be abandoned, and given up to destruction, because a few impracticable passengers sit indolently down, and peevishly refuse to labour with the more industrious and prudent sailors? Must the whole crew submit to perish through their ill humours and their obstinacy?

The honest man says, *yes*: for he will not engage in an administration *formed under his auspices*; were either their abilities or purposes laudable, which he is frank enough to declare he thinks they are not; or if they were, they will not be long in a situation to exert them. The office laid in *his way* has not, forsooth, the appearance of *permanency*. I will examine the reasons he is pleased to give, why, under this administration, *no office can be permanent*; he says, their support will either *fail* or *betray* them; for *either the Earl of Bute privately engages to support them with his influence, or he takes no part* them. On this question, *their success must depend separately from their parliamentary strength*, and on this question *they themselves* principally rely. I will not have recourse with him to the forcible power of the crown, increased though it has been to an enormous degree by the exorbitant rewards, as well as excessive cruelty in punishments, practised by their predecessors in office, for the establishment of their parliamentary strength. On the contrary, I will estimate the honesty of our present representatives so high, as to be confident that they will cordially support all measures tending to promote the public welfare. *Corruption* indeed might acquire friends, as *persecution* would undoubtedly beget enemies. The *persuasive* engine, I am not obliged to allow, will be employed; or, if it were, it probably would have the same success, that it has met with under others; nor will it  
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be fair to suppose, that the resource of *force* and violence will by our present ministers be recurred to, before one instance of such a nature can be alledged against them. Their industry in doing justice to all those who had been persecuted, is a sure pledge to the public of their future lenity and moderation.

But who has told this gentleman, that it was the plan of the new ministry, *at once abruptly, and without hesitation*, to contradict and repeal *every* measure, that was carried for the last two years? It is no uncommon thing in parliament to repeal in one session, what they had enacted in another; and it is more than probable, that the next session may see cause to alter the mode and rigour of some acts, the impropriety of which might not appear so clearly to them in the last. But, if the administration should fail in their endeavours to make what they think necessary reformatations, what blame can be imputed to them? the public will not be in a worse state, will remain only in the same situation, in which they were placed by the preceding ministers. It will be expected, to be sure, from those now in office, to propose those reformatations; it will be the business of the parliament to adopt or refuse them; and I have not the least doubt, but every honest man, when convinced of his error (*though not abruptly and without consideration*) will readily retract it.

The acquisition or accession of parliamentary strength being then very presumable, I will not allow, that their continuance in power will depend upon the late favourite's promises of support or neutrality; though either of these hypothesis is fully sufficient to ensure it; much less can I conceive how *the result must be their ruin*. If he is *willing* to support, and shall be *able*, it will increase, not lessen their security; nor need they be ashamed to accept the assistance, *even of him*, in the pursuit of their own upright measures. *Qui facit per alium,*



*odium, facit perse*, is a maxim as incontrovertible in virtuous as in criminal actions. Whatever the honest scribler may think of them, they are not so great novices in politics, as to refuse support from any quarter, that will contribute to the public good. Unlimited and unrestrained by terms repugnant to their honour, they will accept, and thankfully, the assistance *even of the late unpopular and disgraced ministers*. Perhaps it is the only amends these gentlemen have in their power to make for their degenerate apostacy. Since therefore the *assistance* of the favourite, as well as every other individual in parliament, will contribute, as far as it goes, to their establishment, so even will his *neutrality* be productive of advantage to them. For those, over whom he is supposed to have an influence, left to themselves, will probably adopt that side, to which he is understood to be the *least unfavourable*. Thus I have proved, that his support or neutrality, so far from being their ruin, cannot fail of contributing to their daily confirmation. The rest of the honest man's hypothesis is too ridiculous and absurd to deserve an answer. I need not be afraid of his persuading any one man of sense in the kingdom, that the favourite has consented that his friends should not be merely neglected, but even *dismissed* from their employments, has consented to retreat himself, and that the new ministers should acquire full sway in every department of influence in the state; and all for what? why truly, as a Machiavelian round-about expedient to regain his abdicated power. He must foresee, no doubt, if he assisted them, the certainty of his receiving these mortifications; and must have determined to submit patiently to them. But to be a forward instrument towards the dismissal of his dependants, *in order* forsooth, to restore them; to transfer universal power to his opponents, with a latent design to resume it, is an experiment and detour in politics, which will not always, in  
this

this country, be made with success. That he has *stipulated a secret article* with the new ministers, for the *restoration of his power*, is an insinuation as *false*, as the supposition of his designing to recover it, is *improbable*. The unblemished and invulnerable characters of the noble persons, against whom this stroke of malice is levelled, are alone sufficient to defeat the impotent attack. The poisoned dart is broken in pieces, and falls harmless to the ground, like the brittle sword of Turnus from the heavenly-tempered armour of Vulcan. Let the day come, which is foretold so confidently, of his requiring returns for these sacrifices, of his *demanding appointments and honours for all his discarded friends and followers*; those patriots, who were not afraid to look his meridian sun in the face, will scarce shrink at his fainter ray in the evening. Certain of incurring the public odium by complying with such demands, they cannot but rivet themselves still stronger in the hearts of their fellow-subjects, by refusing them; and they will as resolutely defy his utmost displeasure *then* as they have done *heretofore* upon the like occasions. For my part, I am amongst the number of the *many*, who cannot foresee their *political* death depending either upon his *envy, caprice, or fear*. Whatever passion may have incited him to remove this honest man's *honest and spirited* minister, whose so much vaunted *abilities* I am persuaded *he never did esteem* (and it may be presumed, if he has removed him, *he does not dread his resentment*) it is not probably, at the present moment, his *inclination*, nor will it ever be again in his *power*, to make or unmake administrations at his pleasure. He is not accused by the honest man, nor suspected by any one else, of particular affection to our present rulers; but having formerly been the aggressor, in injuring them, by whom he never was injured, it is most likely, he will ever hereafter prefer them to those late associates or dependants, whom he may possibly accuse of

having betrayed him. Nor do I estimate his understanding at so low a rate, as to suspect him capable of renewing the rash attempt to *lord it over the first nobility*, and wantonly *sport with the peace and happiness of three kingdoms*. Having drunk full deeply of the bitter cup of ambition, having seen the perils of state-intrigues and national responsibility, having experienced no less than his predecessors, the ingratitude of his creatures, raised by him from contempt to consequence, from beggary to opulence, from the dust to honours, he will scarce be rash enough to launch his shattered bark again into the same tempestuous and dangerous ocean. Fortunate he will be beyond expectation, if he should be able to draw the dark veil of oblivion over his past temerity; and favoured almost beyond example, if his future retirement and acquiescence should be allowed to atone for the evils, occasioned by his too-aspiring ambition. But, if his reigning passion is still as the honest man insinuates, to knock down administrations, like Drawcansir, and then bid them rise up again; if such be his malignity of mind (which I am far from believing) that he finds pleasure only in destroying that goodly *structure* of government, which he has neither ability nor judgment to direct, *the result will be his own ruin*, and a fresh triumph to the administration. They neither have reason to expect the treatment Mr. Grenville has met with; nor to fear the fate which the D. of Bedford *had to dread* from a despairing and incensed mob; which mob, if they rose up at all, would probably rise up in their defence against the common enemy. Be it therefore his inclination, and be it even hereafter in his power, to play the same political farce again, as *his destruction* would be the consequence, I will not threaten myself or the nation, with the fear of so improbable an attempt; on the contrary, far, very far, from seeing the present administration in the light of a *flimsy cobweb*, which every puny fly may hope to break through, I regard



regard it as an edifice in a state of strength, that promises *not the short date of a few months only*, but an increasing and permanent security. It may, it will no doubt, receive additional buttresses and new ornaments; but the foundation and groundwork will still continue the same; a foundation, I trust, not to be shaken by the impotent blasts of envy and malevolence, built, as it is, not on *hollow ground*, but on the united favour of the crown and the almost universal approbation of the people.

I have now waded through this anti-ministerial manifesto; which seems calculated merely to serve the purpose of some ambitious and disappointed statesman. And having, as I went along, exposed the fallacy of all his reasons, and the futility of his objections, as well as shewn the injustice of his insinuations, I find it needless to expatiate further upon the subject: I have refrained from urging many material facts, for fear of giving offence to some, with whom a speedy re-union is most sincerely desired: and yet I flatter myself, what I have offered will be sufficient to convince the impartial reader,—

“That the present ministry deserve the esteem of the public for their former actions, and the immediate service they have done their country.—*They have removed from the seat of power a set of ministers, offensive equally to k— and people.*”

I have likewise, in contradiction to the flimsy hypothesis of the *foi-disant* honest man endeavoured to prove that it is more than probable (I had almost ventured to say certain) that their administration will be *permanent*;—

*Because* they are agreeable to both king and people;—

*Because* they will proceed to act upon the same patriotic principles by which they first acquired the national favour; on principles, which Mr. Pitt cannot but commend, being congenial with his own, and therefore *never will oppose*; but which, it is rather hoped, he will, in the next session of parliament, whether as a minister, or private man, for the good of his country, invigorate and confirm with all the force of his persuasive eloquence, and all the weight of his deservedly esteemed character. I shall leave it now to time, the grand discoverer of truth, to determine, whose arguments are most conclusive and best founded.

*Opinionum commenta delet dies.*

## P O S T S C R I P T.

I shall be thought in general to have paid too much attention to the daily hackneys, *Anti-Sejanus*, *Detector*, *A true Englishman*, with a few others of the same black hue, in thus bestowing a short postscript on their ribaldry and incoherent nonsense; and yet it may not be quite useless to flap off these tinea insects, who are buzzing so continually about our ears, without however the least ability to sting. The harmlessness of the productions might induce their readers to suspect, that they are concealed friends of the new ministers. Unable to produce one single blameable *omission* or *commission*, they are reduced to the necessity of prophesying, that, possibly, *some time or other*, the administration *may* be guilty of an error. An heavy formidable charge indeed! to which the fallibility of human nature subjects even the most consummate statesman; and from which it would be the highest arrogance to plead an exemption.—To combat therefore seriously with non-entities, and possibilities only, would be no wiser than to fight in earnest with mere shadows.

Or

Or may we not suppose these professed advocates of the late ministers to be their secret and inveterate enemies; who by *anticipating* guilt in others, for what *they are to do*, provoke a retrospect into the misconduct of their patrons, and tempt a daily recapitulation of what they *have done*, to their eternal shame? These blunderers, if they are not hypocrites, would do prudently to recollect the trite but wise adage, that “men, before they venture to throw stones, should well consider, whether their own houses be not made of glass;” for surely, of all characters that now exist, those of their newly canonised saints and patriots are the most brittle and fragile. And let them learn this further lesson from the great orator of the Augustan age, (an author who has probably not come in their way,) that, “*Nothing is less to be borne, than for those men to pretend to call others to account for their actions, who are not able to justify their own.*”

The truth is, that the public considers all these malicious and scurrilous invectives, as the agonizing efforts of men in despair; who, like Sempronius in the tragedy, are dying with curses and execrations, the last words in their mouths,

*O for a peal of thunder that would make  
Earth, sea, and air, and heav'n, and Cato tremble!*

Addison's Cato.

These flying squadrons of *paper-buffers* call to our minds what is related of the Tartars of old in their engagements, that they made a furious onset at first, but, if manfully resisted, retired with precipitation, and were never heard of any more.

One word to the patrons themselves, and I have done.—If, with their boasted grey hairs and experience, they have acquired any degree of wisdom in their generation, they should perceive the danger and folly of



erecting batteries which will be turned against their own mal-practices; and of commencing an attack, which cannot but end fatally, in their own ignominy and destruction.

*Dehinc porro, ut quiescant, moneo, Et desinant  
Maledicere, malefacta ne noscant sua.*

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In the month of February, 1766, the house of commons in committee on the bill to repeal the American stamp act, examined some witnesses, particularly Dr. Benjamin Franklin, of whose examination the following is a correct copy:—

**Q.** WHAT is your name, and place of abode?—  
A. Franklin, of Philadelphia.

**Q.** Do the Americans pay any considerable taxes among themselves?—A. Certainly many, and very heavy taxes.

**Q.** What are the present taxes in Pennsylvania, laid by the laws of the colony?—A. There are taxes on all estates real and personal, a poll-tax, a tax on all offices, professions, trades and businesses, according to their profits; an excise on all wine, rum, and other spirits; and a duty of ten pounds per head on all negroes imported, with some other duties.

**Q.** For what purposes are those taxes laid?—  
A. For the support of the civil and military establishments of the country, and to discharge the heavy debt contracted in the last war.

**Q.** How long are those taxes to continue?—A. Those for discharging the debt are to continue till 1772, and longer, if the debt should not be then all discharged. The others must always continue.

**Q.** Was

**Q.** Was it not expected that the debt would have been sooner discharged?—**A.** It was, when the peace was made with France and Spain—But a fresh war breaking out with the Indians, a fresh load of debt was incurred, and the taxes, of course, continued longer by a new law.

**Q.** Are not all the people very able to pay those taxes?—**A.** No. The frontier counties, all along the continent, having been frequently ravaged by the enemy, and greatly impoverished, are able to pay very little tax. And therefore, in consideration of their distresses, our late tax laws do expressly favour those counties, excusing the sufferers; and I suppose the same is done in other governments.

**Q.** Are not you concerned in the management of the post-office in America?—**A.** Yes; I am deputy post-master general of North America.

**Q.** Don't you think the distribution of stamps, by post, to all the inhabitants, very practicable, if there was no opposition?—**A.** The posts only go along the sea-coasts; they do not, except in a few instances, go back into the country; and if they did, sending for stamps by post would occasion an expence of postage, amounting, in many cases, to much more than that of the stamps themselves.

**Q.** Are you acquainted with Newfoundland?—**A.** I never was there.

**Q.** Do you know whether there are any post-roads on that island?—**A.** I have heard that there are no roads at all, but that the communication between one settlement and another is by sea only.

**Q.** Can you disperse the stamps by post in Canada?—**A.** There is only a post between Montreal and Quebec. The inhabitants live so scattered and remote from each other,

other, in that vast country, that posts cannot be supported among them, and therefore they cannot get stamps by post. The English colonies too, along the frontiers, are very thinly settled.

Q. From the thinness of the back settlements, would not the stamp-act be extremely inconvenient to the inhabitants if executed?—A. To be sure it would; as many of the inhabitants could not get stamps when they had occasion for them, without taking long journeys, and spending perhaps three or four pounds, that the crown might get six-pence.

Q. Are not the colonies, from their circumstances, very able to pay the stamp duty?—A. In my opinion, there is not gold or silver enough in the colonies to pay the stamp duty for one year.

Q. Don't you know that the money arising from the stamps was all to be laid out in America?—A. I know it is appropriated by the act to the American service; but it will be spent in the conquered colonies, where the soldiers are, not in the colonies that pay it.

Q. Is there not a balance of trade due from the colonies where the troops are posted, that will bring back the money to the old colonies?—A. I think not. I believe very little would come back. I know of no trade likely to bring it back. I think it would come from the colonies where it was spent directly to England; for I have always observed, that in every colony the more plenty of means of remittance to England, the more goods are sent for, and the more trade with England carried on.

Q. What number of white inhabitants do you think there are in Pennsylvania?—A. I suppose there may be about 160,000.

Q. What number of them are Quakers?—A. Perhaps a third.

Q. What



Q. What number of Germans?—A. Perhaps another third; but I cannot speak with certainty.

Q. Have any number of the Germans seen service, as soldiers, in Europe?—A. Yes, many of them, both in Europe and America.

Q. Are they as much dissatisfied with the stamp duty as the English?—A. Yes, and more; and with reason, as their stamps are, in many cases, to be double.

Q. How many white men do you suppose there are in North-America?—A. About 300,000, from sixteen to sixty years of age.

Q. What may be the amount of one year's imports into Pennsylvania from Britain?—A. I have been informed that our merchants compute the imports from Britain to be above 500,000l.

Q. What may be the amount of the produce of your province exported to Britain?—A. It must be small, as we produce little that is wanted in Britain. I suppose it cannot exceed 40,000l.

Q. How then do you pay the balance?—A. The balance is paid by our produce carried to the West-Indies, and sold in our own islands, or to the French, Spaniards, Danes and Dutch; by the same carried to other colonies in North-America, as to New-England, Nova-Scotia, Newfoundland, Carolina and Georgia; by the same carried to different parts of Europe, as Spain, Portugal and Italy. In all which places we receive either money, bills of exchange, or commodities that suit for remittance to Britain; which, together with all the profits on the industry of our merchants and mariners, arising in those circuitous voyages, and the freights made by their ships, centre finally in Britain to discharge the balance, and pay for British manufactures continually used in the province, or sold to foreigners by our traders.

Q. Have

Q. Have you heard of any difficulties lately laid on the Spanish trade?—A. Yes, I have heard that it has been greatly obstructed by some new regulations, and by the English men of war and cutters stationed all along the coast in America.

Q. Do you think it right, that America should be protected by this country, and pay no part of the expence?—A. That is not the case. The colonies raised, cloathed and paid, during the last war, near 25,000 men, and spent many millions.

Q. Were you not reimbursed by parliament?—A. We were only reimbursed what, in your opinion, we had advanced beyond our proportion, or beyond what might reasonably be expected from us; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed about 500,000*l.* and the reimbursements, in the whole, did not exceed 60,000*l.*

Q. You have said that you pay heavy taxes in Pennsylvania; what do they amount to in the pound?—

A. The tax on all estates, real and personal, is 1*s.* 6*d.* in the pound, fully rated; and the tax on the profits of trades and professions, with other taxes, do, I suppose, make full 2*s.* 6*d.* in the pound.

Q. Do you know any thing of the rate of exchange in Pennsylvania, and whether it has fallen lately?—

A. It is commonly from 170 to 175. I have heard that it has fallen lately from 175 to 162 and a half, owing, I suppose, to their lessening their orders for goods; and when their debts to this country are paid, I think the exchange will probably be at par.

Q. Do not you think the people of America would submit to pay the stamp-duty, if it was moderated?—

A. No, never, unless compelled by force of arms.

Q. Are

Q. Are not the taxes in Pennsylvania laid on unequally, in order to burden the English trade, particularly the tax on professions and business?—A. It is not more burthensome in proportion than the tax on lands. It is intended, and supposed to take an equal proportion of profits.

Q. How is the assembly composed? Of what kinds of people are the members, landholders or traders?—A. It is composed of landholders, merchants and artificers.

Q. Are not the majority landholders?—A. I believe they are.

Q. Do not they, as much as possible, shift the tax off from the land, to ease that, and lay the burthen heavier on trade?—A. I have never understood it so. I never heard such a thing suggested. And indeed an attempt of that kind could answer no purpose. The merchant or trader is always skilled in figures, and ready with his pen and ink. If unequal burthens are laid on his trade, he puts an additional price on his goods; and the consumers, who are chiefly landholders, finally pay the greatest part, if not the whole.

Q. What was the temper of America towards Great-Britain before the year 1763?—A. The best in the world. They submitted willingly to the government of the crown, and paid, in all their courts, obedience to acts of parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons or armies, to keep them in subjection. They were governed by this country at the expence only of a little pen, ink and paper. They were led by a thread. They had not only a respect, but an affection for Great-Britain, for its laws, its customs and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain



tain were always treated with particular regard; to be an Old-England-man was, of itself, a character of some respect, and gave a kind of rank among us.

Q. And what is their temper now?—A. O, very much altered.

Q. Did you ever hear the authority of parliament to make laws for America questioned till lately?—A. The authority of parliament was allowed to be valid in all laws, except such as should lay internal taxes. It was never disputed in laying duties to regulate commerce.

Q. In what proportion hath population increased in America?—A. I think the inhabitants of all the provinces together, taken at a medium, double in about twenty-five years. But their demand for British manufactures increases much faster, as the consumption is not merely in proportion to their numbers, but grows with the growing abilities of the same numbers to pay for them. In 1723, the whole importation from Britain to Pennsylvania, was but about 15,000*l.* sterling; it is now near half a million.

Q. In what light did the people of America use to consider the parliament of Great Britain?—A. They considered the parliament as the great bulwark and security of their liberties and privileges, and always spoke of it with the utmost respect and veneration. Arbitrary ministers, they thought, might possibly, at times, attempt to oppress them; but they relied on it, that the parliament, on application, would always give redress. They remembered, with gratitude, a strong instance of this, when a bill was brought into parliament, with a clause, to make royal instructions laws in the colonies, which the house of commons would not pass, and it was thrown out.

Q. And

Q. And have they not still the same respect for parliament?—A. No; it is greatly lessened.

Q. To what causes is that owing?—A. To a concurrence of causes; the restraints lately laid on their trade, by which the bringing of foreign gold and silver into the colonies was prevented; the prohibition of making paper money among themselves; and then demanding a new and heavy tax by stamps; taking away, at the same time, trials by juries, and refusing to receive and hear their humble petitions.

Q. Don't you think they would submit to the stamp-act, if it was modified, the obnoxious parts taken out, and the duty reduced to some particulars, of small moment?—A. No; they will never submit to it.

Q. What do you think is the reason that the people of America increase faster than in England?—A. Because they marry younger, and more generally.

Q. Why so?—A. Because any young couple that are industrious, may easily obtain land of their own, on which they can raise a family.

Q. Are not the lower rank of people more at their ease in America than in England?—A. They may be so, if they are sober and diligent, as they are better paid for their labour.

Q. What is your opinion of a future tax, imposed on the same principle with that of the stamp-act; how would the Americans receive it?—A. Just as they do this. They would not pay it.

Q. Have you not heard of the resolutions of this house, and of the house of lords, asserting the right of parliament relating to America, including a power to tax the people there?—A. Yes, I have heard of such resolutions.

Q. What

Q. What will be the opinion of the Americans on those resolutions?—A. They will think them unconstitutional and unjust.

Q. Was it an opinion in America before 1763, that the parliament had no right to lay taxes and duties there?—A. I never heard any objection to the right of laying duties to regulate commerce; but a right to lay internal taxes was never supposed to be in parliament, as we are not represented there.

Q. On what do you found your opinion, that the people in America made any such distinction?—A. I know that whenever the subject has occurred in conversation where I have been present, it has appeared to be the opinion of every one, that we could not be taxed in a parliament where we were not represented. But the payment of duties laid by act of parliament, as regulations of commerce, was never disputed.

Q. But can you name any act of assembly, or public act of any of your governments, that made such distinction?—A. I do not know that there was any; I think there was never an occasion to make any such act, till now that you have attempted to tax us; that has occasioned resolutions of assembly, declaring the distinction, in which I think every assembly on the continent, and every member in every assembly, have been unanimous.

Q. What then could occasion conversations on that subject before that time?—A. There was in 1754, a proposition made (I think it came from hence) that in case of a war, which was then apprehended, the governors of the colonies should meet, and order the levying of troops, building of forts, and taking every other necessary measure for the general defence; and should draw on the treasury here for the sums expended, which were afterwards to be raised in the colonies by a general tax, to be laid on them by act of par-



parliament. This occasioned a good deal of conversation on the subject, and the general opinion was, that the parliament neither would, nor could lay any tax on us, till we were duly represented in parliament, because it was not just, nor agreeable to the nature of an English constitution.

Q. Don't you know there was a time in New-York, when it was under consideration to make an application to parliament to lay taxes on that colony, upon a deficiency arising from the assembly's refusing or neglecting to raise the necessary supplies for the support of the civil government?—A. I never heard of it.

Q. There was such an application under consideration in New-York; and do you apprehend they could suppose the right of parliament to lay a tax in America was only local, and confined to the case of a deficiency in a particular colony, by a refusal of its assembly to raise the necessary supplies?—A. They could not suppose such a case, as that the assembly would not raise the necessary supplies to support its own government. An assembly that would refuse it must want common sense, which cannot be supposed. I think there was never any such case at New-York, and that it must be a misrepresentation, or the fact must be misunderstood. I know there have been some attempts, by ministerial instructions from hence, to oblige the assemblies to settle permanent salaries on governors, which they wisely refused to do; but I believe no assembly of New-York or any other colony, ever refused duly to support government by proper allowances, from time to time, to public officers.

Q. But in case a governor, acting by instruction, should call on an assembly to raise the necessary supplies, and the assembly should refuse to do it, do you not think it would then be for the good of the people of the colony, as well as necessary to government, that the

the parliament should tax them?—A. I do not think it would be necessary. If an assembly could possibly be so absurd as to refuse raising the supplies requisite for the maintenance of government among them; they could not long remain in such a situation; the disorders and confusion occasioned by it, must soon bring them to reason.

Q. If it should not, ought not the right to be in Great-Britain of applying a remedy?—A. A right only to be used in such a case, I should have no objection to, supposing it to be used merely for the good of the people of the colony.

Q. But who is to judge of that, Britain or the colony?—A. Those that feel can best judge.

Q. You say the colonies have always submitted to external taxes, and object to the right of parliament only in laying internal taxes; now can you shew that there is any kind of difference between the two taxes to the colony on which they may be laid?—A. I think the difference is very great. An external tax is a duty laid on commodities imported; that duty is added to the first cost, and other charges on the commodity, and when it is offered to sale, makes a part of the price. If the people do not like it at that price, they refuse it; they are not obliged to pay it. But an internal tax is forced from the people without their consent, if not laid by their own representatives. The stamp-act says, we shall have no commerce, make no exchange of property with each other, neither purchase nor grant, nor recover debts; we shall neither marry nor make our wills, unless we pay such sums, and thus it is intended to extort our money from us, or ruin us by the consequences of refusing to pay it.

Q. But supposing the internal tax or duty to be laid on the necessaries of life imported into your colony, will not that be the same thing in its effects as an  
internal

internal tax?—A. I do not know a single article imported into the northern colonies, but what they can either do without, or make themselves.

Q. Don't you think cloth from England absolutely necessary to them?—A. No, by no means absolutely necessary; with industry and good management, they may very well supply themselves with all they want.

Q. Will it not take a long time to establish that manufacture among them; and must they not in the mean while suffer greatly?—A. I think not. They have made a surprizing progress already. And I am of opinion, that before their old clothes are worn out, they will have new ones of their own making.

Q. Can they possibly find wool enough in North-America?—A. They have taken steps to increase the wool. They entered into general combinations to eat no more lamb, and very few lambs were killed last year. This course persisted in, will soon make a prodigious difference in the quantity of wool. And the establishing of great manufactories, like those in the clothing towns here, is not necessary, as it is where the business is to be carried on for the purposes of trade. The people will all spin, and work for themselves, in their own houses.

Q. Can there be wool and manufacture enough in one or two years?—A. In three years I think there may.

Q. Does not the severity of the winter, in the northern colonies, occasion the wool to be of bad quality?—A. No; the wool is very fine and good.

Q. In the more southern colonies, as in Virginia, don't you know that the wool is coarse, and only a kind of hair?—A. I don't know it. I never heard it. Yet I have been sometimes in Virginia. I cannot say I ever



took particular notice of the wool there, but I believe it is good, though I cannot speak positively of it; but Virginia, and the colonies south of it, have less occasion for wool; their winters are short, and not very severe, and they can very well clothe themselves with linen and cotton of their own raising for the rest of the year.

Q. Are not the people in the more northern colonies obliged to fodder their sheep all the winter?—A. In some of the most northern colonies they may be obliged to do it some part of the winter.

Q. Considering the resolutions of parliament, as the right, do you think, if the stamp-act is repealed, that the North-Americans will be satisfied?—A. I believe they will.

Q. Why do you think so?—A. I think the resolutions of right will give them very little concern, if they are never attempted to be carried into practice. The colonies will probably consider themselves in the same situation, in that respect, with Ireland; they know you claim the same right with regard to Ireland, but you never exercise it. And they may believe you never will exercise it in the colonies any more than in Ireland, unless on some very extraordinary occasion.

Q. But who are to be the judges of that extraordinary occasion? Is not the parliament?—A. Though the parliament may judge of the occasion, the people will think it can never exercise such right, till representatives from the colonies are admitted into parliament, and that whenever the occasion arises, representatives will be ordered.

Q. Did you never hear that Maryland, during the last war, had refused to furnish a quota towards the common defence?—A. Maryland has been much misrepresented in that matter. Maryland, to my knowledge, never refused

fused to contribute, or grant aids to the crown. The assemblies every year, during the war, voted considerable sums, and formed bills to raise them. The bills were, according to the constitution of that province, sent up to the council, or upper house, for concurrence, that they might be presented to the governor, in order to be enacted into laws. Unhappy disputes between the two houses, arising from the defects of that constitution principally, rendered all the bills but one or two, abortive. The proprietary's council rejected them. It is true, Maryland did not contribute its proportion, but it was, in my opinion, the fault of the government, not of the people.

Q. Was it not talked of in the other provinces as a proper measure to apply to parliament to compel them?

—A. I have heard such discourse; but as it was well known, that the people were not to blame, no such application was ever made, nor any step taken towards it.

Q. Was it not proposed at a public meeting?—

A. Not that I know of.

Q. Do you remember the abolishing of the paper currency in New-England, by act of assembly?—A. I do remember its being abolished in the Massachusetts Bay.

Q. Was not Lieutenant-Governor Hutchinson principally concerned in that transaction?—A. I have heard so.

Q. Was it not at that time a very unpopular law?—

A. I believe it might, though I can say little about it, as I lived at a distance from that province.

Q. Was not the scarcity of gold and silver an argument used against abolishing the paper?—A. I suppose it was.

Q. What is the present opinion there of that law? Is it as unpopular as it was at first?—A. I think it is not.

A. Have not instructions from hence been sometimes sent over to governors, highly oppressive and unpolitical?—A. Yes.

Q. Have not some governors dispensed with them for that reason?—A. Yes; I have heard so.

Q. Did the Americans ever dispute the controuling power of parliament to regulate the commerce?—A. No.

Q. Can any thing less than a military force carry the stamp-act into execution?—A. I do not see how a military force can be applied to that purpose.

Q. Why may it not?—A. Suppose a military force sent into America, they will find nobody in arms; what are they then to do? They cannot force a man to take stamps who chuses to do without them. They will not find a rebellion; they may indeed make one.

Q. If the act is not repealed, what do you think will be the consequences?—A. A total loss of the respect and affection the people of America bear to this country, and of all the commerce that depends on that respect and affection.

Q. How can the commerce be affected?—A. You will find, that if the act is not repealed, they will take very little of your manufactures in a short time.

Q. Is it in their power to do without them?—A. I think they may very well do without them.

Q. Is it their interest not to take them?—A. The goods they take from Britain are either necessities, mere conveniencies, or superfluities. The first, as cloth, &c. with a little industry, they can make at home;



home; they second they can do without, till they are able to provide them among themselves; and the last, which are much the greatest part, they will strike off immediately. They are mere articles of fashion, purchased and consumed, because the fashion in a respected country, but will now be detested and rejected. The people have already struck off, by general agreement, the use of all goods fashionable in mournings, and many thousand pounds worth are sent back as unsaleable.

Q. Is it their interest to make cloth at home?—

A. I think they may at present get it cheaper from Britain, I mean of the same fineness and neatness of workmanship; but when one considers other circumstances, the restraints on their trade, and the difficulty of making remittances, it is their interest to make every thing.

Q. Suppose an act of internal regulations connected with a tax, how would they receive it?—A. I think it would be objected to.

Q. Then no regulation with a tax would be submitted to?—A. Their opinion is that when aids to the crown are wanted, they are to be asked of the several assemblies, according to the old established usage, who will, as they always have done, grant them freely. And that their money ought not to be given away, without their consent, by persons at a distance, unacquainted with their circumstances and abilities. The granting aids to the crown, is the only means they have of recommending themselves to their sovereign, and they think it extremely hard and unjust, that a body of men, in which they have no representatives, should take a merit to itself of giving and granting what is not its own, but theirs, and deprive them of a right they esteem of the utmost value and importance, as it is the security of all their other rights.

Q. But is not the post-office, which they have long received, a tax as well as a regulation?—A. No; the money paid for the postage of a letter is not of the nature of a tax; it is merely a *quantum meruit* for a service done; no person is compellable to pay the money, if he does not chuse to receive the service. A man may still, as before the act, send his letter by a servant, a special messenger, or a friend, if he thinks it cheaper and safer.

Q. But do they not consider the regulations of the post-office, by the act of last year as a tax?—A. By the regulations of last year the rate of postage was generally abated near thirty per cent. through all America; they certainly cannot consider such abatement as a tax.

Q. If an excise was laid by parliament, which they might likewise avoid paying, by not consuming the articles excised, would they then not object to it?—A. They would certainly object to it, as an excise is unconnected with any service done, and is merely an aid which they think ought to be asked of them, and granted by them, if they are to pay it, and can be granted for them, by no others whatsoever, whom they have not empowered for that purpose.

Q. You say they do not object to the right of parliament, in laying duties on goods to be paid on their importation; now is there any kind of difference between a duty on the importation of goods, and an excise on their consumption?—A. Yes; a very material one; an excise for the reasons I have just mentioned, they think you can have no right to lay within their country. But the sea is yours; you maintain, by your fleets, the safety of navigation in it, and keep it clear of pirates; you may have therefore a natural and equitable right to some toll or duty on merchandizes carried through that part of your dominions, towards defray-

defraying the expence you are at in ships to maintain the safety of that carriage.

Q. Does this reasoning hold in the case of a duty laid on the produce of their lands exported? And would they not then object to such a duty?—A. If it tended to make the produce so much dearer abroad as to lessen the demand for it, to be sure they would object to such a duty; not to your right of laying it, but they would complain of it as a burthen, and petition you to lighten it.

Q. Is not the duty paid on the tobacco exported a duty of that kind?—A. That, I think, is only on tobacco carried coastwise from one colony to another, and appropriated as a fund for supporting the college at Williamsburgh, in Virginia.

Q. Have not the assemblies in the West-Indies the same natural rights with those of North-America?—A. Undoubtedly.

Q. And is there not a tax laid there on their sugars exported?—A. I am not much acquainted with the West-Indies, but the duty of four and a half per cent. on sugars exported, was, I believe, granted by their own assemblies.

Q. How much is the poll-tax in your province laid on unmarried men?—A. It is, I think, fifteen shillings, to be paid by every single freeman, upwards of twenty-one years old.

Q. What is the annual amount of all the taxes in Pennsylvania?—A. I suppose about 20,000*l.* sterling.

Q. Supposing the stamp-act continued, and enforced, do you imagine that ill-humour will induce the Americans to give as much for worse manufactures of their own, and use them, preferably to better of ours?—



A. Yes, I think so. People will pay as freely to gratify one passion as another, their resentment as their pride.

Q. Would the people at Boston discontinue their trade?—A. The merchants are a very small number, compared with the body of the people, and must discontinue their trade, if nobody will buy their goods.

Q. What are the body of the people in the colonies?—A. They are farmers, husbandmen, or planters.

Q. Would they suffer the produce of their lands to rot?—A. No; but they would not raise so much. They would manufacture more, and plough less.

Q. Would they live without the administration of justice in civil matters, and suffer all the inconveniences of such a situation, for any considerable time, rather than take the stamps, supposing the stamps were protected by a sufficient force, where every one might have them?—A. I think the supposition impracticable, that the stamps should be so protected as that every one might have them. The act requires sub-distributors to be appointed in every county, town, district, and village, and they would be necessary. But the principal distributors, who were to have had a considerable profit on the whole, have not thought it worth while to continue in the office, and I think it impossible to find sub-distributors fit to be trusted, who, for the trifling profit that must come to their share, would incur the odium, and run the hazard that would attend it; and if they could be found, I think it impracticable to protect the stamps in so many distant and remote places.

Q. But in places where they could be protected, would not the people use them rather than remain in such a situation, unable to obtain any right, or recover, by law, any debt?—A. It is hard to say what they would

would do. I can only judge what other people will think, and how they will act, by what I feel within myself. I have a great many debts due to me in America, and I had rather they should remain unrecoverable by any law, than submit to the stamp-act. They will be debts of honour. It is my opinion the people will either continue in that situation, or find some way to extricate themselves, perhaps by generally agreeing to proceed in the courts without stamps.

Q. What do you think a sufficient military force to protect the distribution of the stamps in every part of America?—A. A very great force; I can't say what, if the disposition of America is for a general resistance.

Q. What is the number of men in America able to bear arms, or of disciplined militia?—A. There are, I suppose, at least—

*(Question objected to. He withdrew. Called in again.)*

Q. Is the American stamp-act an equal tax on that country?—A. I think not.

Q. Why so?—A. The greatest part of the money must arise from law-suits for the recovery of debts, and be paid by the lower sort of people, who were too poor easily to pay their debts. It is therefore a heavy tax on the poor, and a tax upon them for being poor.

Q. But will not this increase of expence be a means of lessening the number of law-suits?—A. I think not; for as the costs all fall upon the debtor, and are to be paid by him, they would be no discouragement to the creditor to bring his action.

Q. Would it not have the effect of excessive usury?—A. Yes, as an oppression of the debtor.

Q. How many ships are there laden annually in North-America with flax-seed for Ireland?—A. I cannot

not speak to the number of ships, but I know that in 1752, 10,000 hogsheads of flax-seed, each containing seven bushels, were exported from Philadelphia to Ireland. I suppose the quantity is greatly encreased since that time; and it is understood that the exportation from New-York is equal to that from Philadelphia.

Q. What becomes of the flax that grows with that flax-seed?—A. They manufacture some into coarse, and some into a middling kind of linen.

Q. are there any flitting-mills in America?—A. think there are three, but I believe only one at present employed. I suppose they will all be set to work, if the interruption of the trade continues.

Q. Are there any fulling-mills there?—A great many.

Q. Did you never hear that a great quantity of stockings were contracted for, for the army, during the war, and manufactured in Philadelphia?—A. I have heard so.

Q. If the stamp-act should be repealed, would not the Americans think they could oblige the parliament to repeal every external tax-law now in force?—A. It is hard to answer questions what people at such a distance will think.

Q. But what do you imagine they will think were the motives of repealing the act?—A. I suppose they will think that it was repealed from a conviction of its inexpediency; and they will rely upon it, that while the same inexpediency subsists, you will never attempt to make such another.

Q. What do you mean by its inexpediency?—A. I mean its inexpediency on several accounts; the poverty and inability of those who were to pay the tax; the



the general discontent it has occasioned ; and the impracticability of enforcing it.

Q. If the act should be repealed, and the legislature should shew its resentment to the opposers of the stamp-act, would the colonies acquiesce in the authority of the legislature ? What is your opinion they would do ?—

A. I don't doubt at all, that if the legislature repeal the stamp-act, the colonies will acquiesce in the authority.

Q. But if the legislature should think fit to ascertain its right to lay taxes, by any act laying a small tax, contrary to their opinion, would they submit to pay the tax ?—A. The proceedings of the people in America have been considered too much together. The proceedings of the assemblies have been very different from those of the mobs, and should be distinguished, as having no connection with each other. The assemblies have only peaceably resolved what they take to be their rights ; they have not built a fort, raised a man, or provided a grain of ammunition, in order to such opposition. The ringleaders of riot they think ought to be punished ; they would punish them themselves, if they could. Every sober, sensible man would wish to see rioters punished, as otherwise peaceable people have no security of person or estate. But as to an internal tax, how small soever, laid by the legislature here on the people there, while they have no representatives in this legislature, I think it will never be submitted to. They will oppose it to the last. They do not consider it as at all necessary for you to raise money on them by your taxes, because they are, and always have been, ready to raise money by taxes among themselves, and to grant large sums, equal to their abilities, upon requisition from the crown. They have not only granted equal to their abilities, but, during all the last war, they granted far beyond their abilities, and beyond  
their

their proportion with this country, you yourselves being judges, to the amount of many hundred thousand pounds, and this they did freely and readily, only on a sort of promise from the secretary of state, that it should be recommended to parliament to make them compensation. It was accordingly recommended to parliament, in the most honourable manner, for them. America has been greatly misrepresented and abused here, in papers, and pamphlets, and speeches, as ungrateful, and unreasonable, and unjust, in having put this nation to immense expence for their defence, and refusing to bear any part of that expence. The colonies raised, paid, and clothed, near 25,000 men during the last war, a number equal to those sent from Britain, and far beyond their proportion; they went deeply into debt in doing this, and all their taxes and estates are mortgaged, for many years to come, for discharging that debt. Government here was at that time very sensible of this. The colonies were recommended to parliament. Every year the king sent down to the house a written message to this purpose, that his majesty, being highly sensible of the zeal and vigour with which his faithful subjects in North America had exerted themselves, in defence of his majesty's just rights and possessions, recommended it to the house to take the same into consideration, and enable him to give them a proper compensation. You will find those messages on your own journals every year of the war to the very last, and you did accordingly give 200,000*l.* annually to the crown, to be distributed in such compensation to the colonies. This is the strongest of all proofs that the colonies, far from being unwilling to bear a share of the burthen, did exceed their proportion; for if they had done less, or had only equalled their proportion, there would have been no room or reason for compensation. Indeed the sums reimbursed them, were by no means adequate to the expence they incurred

incurred beyond their proportion; but they never murmured at that; they esteemed their sovereign's approbation of their zeal and fidelity, and the approbation of this house, far beyond any other kind of compensation; therefore there was no occasion for this act, to force money from a willing people; they had not refused giving money for the purposes of the act; no requisition had been made; they were always willing and ready to do what could reasonably be expected from them, and in this light they wish to be considered.

Q. But suppose Great-Britain should be engaged in a war in Europe, would North-America contribute to the support of it?—A. I do think they would, as far as their circumstances would permit. They consider themselves as a part of the British empire, and as having one common interest with it; they may be looked on here as foreigners, but they do not consider themselves as such. They are zealous for the honour and prosperity of this nation, and, while they are well used, will always be ready to support it, as far as their little power goes. In 1739 they were called upon to assist in the expedition against Carthagena, and they sent 3000 men to join your army. It is true Carthagena is in America, but as remote from the northern colonies as if it had been in Europe. They make no distinction of wars, as to their duty of assisting in them. I know the last war is commonly spoke of here as entered into for the defence, or for the sake of the people of America. I think it is quite misunderstood. It began about the limits between Canada and Nova-Scotia, about territories to which the crown indeed laid claim, but were not claimed by any British colony; none of the lands had been granted to any colonist; we had therefore no particular concern or interest in that dispute. As to the Ohio, the contest there began about your right of trading in the Indian country, a right you had by the treaty of Utrecht, which the French infringed,



infringed; they seized the traders and their goods, which were your manufactures; they took a fort which a company of your merchants, and their factors and correspondents, had erected there, to secure that trade. Braddock was sent with an army to re-take that fort (which was looked on here as another encroachment on the king's territory) and to protect your trade. It was not till after his defeat that the colonies were attacked. They were before in perfect peace with both French and Indians; the troops were not therefore sent for their defence. The trade with the Indians, though carried on in America, is not an American interest. The people of America are chiefly farmers and planters; scarce any thing they raise or produce is an article of commerce with the Indians. The Indian trade is a British interest; it is carried on with British manufactures, for the profit of British merchants and manufacturers; therefore the war, as it commenced for the defence of territories of the crown, the property of no American, and for the defence of a trade purely British, was really a British war—and yet the people of America made no scruple of contributing their utmost towards carrying it on, and bringing it to a happy conclusion.

Q. Do you think then that the taking possession of the king's territorial rights, and strengthening the frontiers, is not an American interest?—A. Not particularly, but conjointly a British and an American interest.

Q. You will not deny that the preceding war, the war with Spain, was entered into for the sake of America; was it not occasioned by captures made in the American seas?—A. Yes; captures of ships carrying on the British trade there, with British manufactures.

Q. Was not the late war with the Indians, since the peace with France, a war for America only?—Yes; it was more particularly for America than the former; but  
it

it was rather a consequence or remains of the former war, the Indians not having been thoroughly pacified, and the Americans bore by much the greatest share of the expence. It was put an end to by the army under General Bouquet; there were not above 300 regulars in that army, and above 1000 Pennsylvanians.

Q. Is it not necessary to send troops to America, to defend the Americans against the Indians?—A. No, by no means; it never was necessary. They defended themselves when they were but a handful, and the Indians much more numerous. They continually gained ground, and have driven the Indians over the mountains, without any troops sent to their assistance from this country. And can it be thought necessary now to send troops for their defence from those diminished Indian tribes, when the colonies are become so populous, and so strong? There is not the least occasion for it; they are very able to defend themselves.

Q. Do you say there were no more than 300 regular troops employed in the late Indian war?—A. Not on the Ohio or the frontiers of Pennsylvania, which was the chief part of the war that affected the colonies. There were garrisons at Niagara, Fort Detroit, and those remote posts kept for the sake of your trade; I did not reckon them, but I believe that on the whole the number of Americans, or provincial troops, employed in the war, was greater than that of the regulars. I am not certain, but I think so.

Q. Do you think the assemblies have a right to levy money on the subject there, to grant to the crown?—A. I certainly think so; they have always done it.

Q. Are they acquainted with the declaration of rights? And do they know that by that statute, money is not to be raised on the subject but by consent of parliament?—A. They are very well acquainted with it.

Q. How

**Q.** How then can they think they have a right to levy money for the crown, or for any other than local purposes?—**A.** They understand that clause to relate to subjects only within the realm; that no money can be levied on them for the crown, but by consent of parliament. The colonies are not supposed to be within the realm; they have assemblies of their own, which are their parliaments, and they are, in that respect, in the same situation with Ireland. When money is to be raised for the crown upon the subject in Ireland, or in the colonies, the consent is given in the parliament of Ireland, or in the assemblies of the colonies. They think the parliament of Great Britain cannot properly give that consent till it has representatives from America; for the petition of right expressly says, it is to be by common consent in parliament, and the people of America have no representatives in parliament, to make a part of that common consent.

**Q.** If the stamp-act should be repealed, and an act should pass, ordering the assemblies of the colonies to indemnify the sufferers by the riots, would they obey it?—**A.** That is a question I cannot answer.

**Q.** Suppose the king should require the colonies to grant a revenue, and the parliament should be against their doing it, do they think they can grant a revenue to the king, without the consent of the parliament of Great Britain?—**A.** That is a deep question.—As to my own opinion, I should think myself at liberty to do it, and should do it, if I liked the occasion.

**Q.** When money has been raised in the colonies, upon requisitions, has it not been granted to the king?—**A.** Yes, always; but the requisitions have generally been for some service expressed, as to raise, clothe and pay troops, and not for money only.

**Q.** If



**Q.** If the act should pass, requiring the American assemblies to make compensation to the sufferers, and they should disobey it, and then the parliament should, by another act, lay an internal tax, would they then obey it?—**A.** The people will pay no internal tax; and I think an act to oblige the assemblies to make compensation is unnecessary, for I am of opinion, that as soon as the present heats are abated, they will take the matter into consideration, and if it is right to be done, they will do it of themselves.

**Q.** Do not letters often come into the post-offices in America, directed to some inland town where no post goes?—**A.** Yes.

**Q.** Can any private person take up those letters, and carry them as directed?—**A.** Yes; any friend of the person may do it, paying the postage that has accrued.

**Q.** But must not he pay an additional postage for the distance to such an inland town?—**A.** No.

**Q.** Can the post-master answer delivering the letter, without being paid such additional postage?—**A.** Certainly he can demand nothing, where he does no service.

**Q.** Suppose a person being far from home, finds a letter in a post-office directed to him, and he lives in a place to which the post generally goes, and the letter is directed to that place, will the post-master deliver him the letter, without his paying the postage receivable at the place to which the letter is directed?—**A.** Yes; the office cannot demand postage for a letter it does not carry, or farther than it does carry it.

**Q.** Are not ferrymen in America obliged, by act of parliament, to carry over the posts without pay?—**A.** Yes.

Q. Is not this a tax on the ferrymen?—A. They do not consider it as such, as they have an advantage from persons travelling with the post.

Q. If the stamp-act should be repealed, and the crown should make a requisition to the colonies for a sum of money, would they grant it?—A. I believe they would.

Q. Why do you think so?—A. I can speak for the colony I live in; I had it in instruction from the assembly to assure the ministry, that as they always had done, so they should always think it their duty to grant such aids to the crown as were suitable to their circumstances and abilities, whenever called upon for the purpose, in the usual constitutional manner; and I had the honour of communicating this instruction to that honourable gentleman then minister.

Q. Would they do this for a British concern; as suppose a war in some part of Europe, that did not affect them?—A. Yes, for any thing that concerned the general interest. They consider themselves as a part of the whole.

Q. What is the usual constitutional manner of calling on the colonies for aids?—A. A letter from the secretary of state.

Q. Is this all you mean, a letter from the secretary of state?—A. I mean the usual way of requisition, in a circular letter from the secretary of state, by his majesty's command, reciting the occasion, and recommending it to the colonies, to grant such aids as became their loyalty, and were suitable to their abilities.

Q. Did the secretary of state ever write for money for the crown?—A. The requisitions have been to raise, clothe and pay men, which cannot be done without money.

Q. Would

Q. Would they grant money alone, if called on?—

A. In my opinion they would, money as well as men, when they have money or can make it.

Q. If the parliament should repeal the stamp-act, will the assembly of Pennsylvania rescind their resolutions?—A. I think not.

Q. Before there was any thought of the stamp-act, did they wish for a representation in parliament?—

A. No.

Q. Don't you know that there is, in the Pennsylvania charter, an express reservation of the right of parliament to lay taxes there?—A. I know there is a clause in the charter, by which the king grants that he will levy no taxes on the inhabitants, unless it be with the consent of the assembly, or by an act of parliament.

Q. How then could the assembly of Pennsylvania assert, that laying a tax on them by the stamp-act was an infringement of their rights?—A. They understand it thus; by the same charter, and otherwise, they are intitled to all the privileges and liberties of Englishmen; they find in the great charter, and the petition and declaration of rights, that one of the privileges of English subjects is, that they are not to be taxed but by their common consent; they have therefore relied upon it, from the first settlement of the province, that the parliament never would, nor could, by colour of that clause in the charter, assume a right of taxing them, till it had qualified itself to exercise such right, by admitting representatives from the people to be taxed, who ought to make a part of that common consent.

Q. Are there any words in the charter that justify that construction?—A. The common rights of Englishmen, as declared by *magna charta*, and the petition of right, all justify it.



Q. Does the distinction between internal and external taxes exist in the words of the charter?—A. No, I believe not.

Q. Then may they not, by the same interpretation, object to the parliament's right of external taxation?—

A. They never have hitherto. Many arguments have been lately used here to shew them that there is no difference, and that if you have no right to tax them internally, you have none to tax them externally, or make any other law to bind them. At present they do not reason so, but in time they may possibly be convinced by these arguments.

Q. Do not the resolutions of the Pennsylvania assemblies say all taxes?—A. If they do, they mean only internal taxes; the same words have not always the same meaning here and in the colonies. By taxes they mean internal taxes; by duties they mean customs; these are their ideas of the language.

Q. Have you not seen the resolutions of the Massachusetts Bay assembly?—A. I have.

Q. Do they not say, that neither external nor internal taxes can be laid on them by parliament?—A. I don't know that they do; I believe not.

Q. If the same colony should say neither tax nor imposition could be laid, does not that province hold the power of parliament can lay neither?—A. I suppose that by the word imposition, they do not intend to express duties to be laid on goods imported, as regulations of commerce.

Q. What can the colonies mean then by imposition as distinct from taxes?—A. They may mean many things, as impressing of men, or of carriages, quartering troops on private houses, and the like; there may be great impositions that are not properly taxes.

Q. Is

Q. Is not the post-office rate an internal tax, laid by act of parliament?—A. I have answered that.

Q. Are all parts of the colonies equally able to pay taxes?—A. No, certainly; the frontier parts, which have been ravaged by the enemy, are greatly disabled by that means, and therefore in such cases, are usually favoured in our tax-laws.

Q. Can we, at this distance, be competent judges of what favours are necessary?—A. The parliament have supposed it, by claiming a right to make tax-laws for America; I think it impossible.

Q. Would the repeal of the stamp-act be any discouragement of your manufactures? Will the people that have begun to manufacture decline it?—A. Yes, I think they will; especially if, at the same time, the trade is opened again, so that remittances can be easily made. I have known several instances that make it probable. In the war before last, tobacco being low, and making little remittance, the people of Virginia went generally into family manufactures. Afterwards, when tobacco bore a better price, they returned to the use of British manufactures. So fulling-mills were very much disused in the last war in Pennsylvania, because bills were then plenty and remittances could easily be made to Britain for English cloth and other goods.

Q. If the stamp-act should be repealed, would it induce the assemblies of America to acknowledge the right of parliament to tax them, and would they erase their resolutions?—A. No, never.

Q. Is there no means of obliging them to erase those resolutions?—A. None that I know of; they will never do it, unless compelled by force of arms.

Q. Is there a power on earth that can force them to erase them?—A. No power, how great soever, can force men to change their opinions.

**Q.** Do they consider the post-office as a tax, or a regulation?—**A.** Not as a tax, but as a regulation and conveniency; every assembly encouraged it, and supported it in its infancy, by grants of money, which they would not otherwise have done; and the people have always paid the postage.

**Q.** When did you receive the instructions you mentioned?—**A.** I brought them with me when I came to England, about fifteen months since.

**Q.** When did you communicate that instruction to the minister?—**A.** Soon after my arrival, while the stamping of America was under consideration, and before the bill was brought in.

**Q.** Would it be most for the interest of Great-Britain, to employ the hands of Virginia in tobacco, or in manufactures?—**A.** In tobacco, to be sure.

**Q.** What used to be the pride of the Americans?—**A.** To indulge in the fashions and manufactures of Great-Britain.

**Q.** What is now their pride?—**A.** To wear their old clothes over again, till they can make new ones.



A SHORT ACCOUNT OF A  
LATE SHORT ADMINI-  
STRATION.

BY THE RIGHT HON. ED-  
MUND BURKE, PRIVATE  
SECRETARY TO THE MAR-  
QUIS OF ROCKINGHAM,  
DURING HIS SHORT AD-  
MINISTRATION.

I.

**T**HE late administra-  
tion came into em-  
ployment, under the medi-  
ation of the Duke of Cum-  
berland, on the tenth day  
of July, 1765; and was  
removed, upon a plan set-  
tled by the Earl of Cha-  
tham on the thirtieth day  
of July, 1766, having  
lasted one year and twenty  
days.

II.

In that space of time,

A TRUE HISTORY OF A  
LATE SHORT ADMINI-  
STRATION.

BY CHARLES LLOYD, ESQ.  
PRIVATE SECRETARY TO  
MR. GRENVILLE, DURING  
HIS ADMINISTRATION.

I.

**A**FTER a suspension  
of all government  
for near two months, and  
when the cause, manner,  
and mediator of the in-  
tended change had induced  
every one, who had been  
conversant in business, to  
decline accepting them,  
the great offices of admini-  
stration were given upon  
a plan, *not settled* by the  
Earl of Chatham, to the  
Marquis of Rockingham,  
who had borne the office  
of a lord; to Mr. Conway,  
who had been a groom of  
the bed-chamber; and to  
the Duke of Grafton and  
Mr. Dowdeswell, who had  
never been in office at all.

II.

In that space of time.

## III.

The distractions of the British empire were composed, by *the repeal of the American stamp act*;

## III.

The subject colonies of Great Britain were excited to rebellion and independence by the connivance and encouragement given to their resistance to the stamp act, and the constitutional superiority of Great Britain surrendered to their claims by the repeal of it.

## IV.

But the constitutional superiority of Great Britain was preserved by *the act for securing the dependence of the colonies*.

## IV.

By the alteration in the cyder act, the cyder counties received the reward of their tumult and sedition, by a partial exemption from any tax on their beverage; and their proportion of the burthens of the state, together with the addition of the new duties on cyder, was transferred to the other counties of England, whose beverage was already and had so lately been severely taxed.

## V.

The personal liberty of the subject was confirmed, by *the resolution against general warrants*.

## V.

The resolution against general warrants, which was rendered unnecessary by the decisions of the courts of law, and which those

those who had before opposed now concurred in, because the personal liberty of the subject was already provided for and secured, was proposed from motives of spleen, resentment, and the pride of superior strength.

## VI.

The lawful secrets of business and friendship were rendered inviolable by the resolution for condemning the seizure of papers.

## VI.

The security of the lawful secrets of business and friendship, which a late minister proposed to render inviolable by the constitutional method of a bill, was, as soon as their fears of Mr. Pitt were removed by his absence, rejected, and a resolution of one house of parliament, which cannot have the same legal authority, substituted in its place.

## VII.

The trade of America was set free from injudicious and ruinous impositions—Its revenue was improved, and settled upon a rational foundation—Its commerce extended with foreign countries; while all the advantages were

## VII.

The trade of *America* was set free from those ties which had ever been thought necessary to make it advantageous to *Great Britain*, and the taxes reduced below even their request. Its revenue was improved and settled on the foundation of tumult



secured to Great Britain, by the *act for repealing certain duties, and encouraging, regulating, and securing the trade of this kingdom, and the British dominions in America.*

## VIII.

Materials were provided and insured to our manufactures—The sale of these manufactures was encreased—The African trade preserved and extended—The principles of the *act of navigation* pursued, and the plan improved—And the trade for bullion rendered free, secure, and permanent, by the *act for opening certain ports in Dominica and Jamaica.*

## IX.

That administration was the first which proposed, and encouraged public meetings, and free consul-

and sedition. Its commerce with foreign countries extended, and part of the advantages to Great Britain surrendered, while the whole was put to hazard by the *measure of repealing certain duties, and encouraging, regulating, and securing the trade of this kingdom, and the British dominions in America.*

## VIII.

To provide a temporary supply for our manufactures, a permanent support and extended sale of them was retarded and prevented. The principles of the *act of navigation* were sap-ped, and that plan which had been the foundation of our naval strength, abandoned and counteracted. The Spanish court alarmed, and the trade for bullion, which the preceding administration had facilitated, was checked, and the sentiments of the ministry itself contradicted, by opening certain ports in Dominica and Jamaica.

## IX.

That administration was indeed the first which intrusted the legislative power to a committee of merchants,

tations of merchants from all parts of the kingdom ; by which means the truest lights have been received, great benefits have been already derived to manufacture and commerce ; and the most extensive prospects are opened for further improvement.

## X.

Under them, the interests of our northern and southern colonies, before that time jarring and dissonant, were understood, compared, adjusted, and perfectly reconciled. The passions and animosities of the colonies, by judicious and lenient measures, were allayed and composed, and the foundation laid for a lasting agreement amongst them.

## XI.

Whilst that administration provided for the liberty and commerce of their country, as the true basis of its power, they consulted its interests, they asserted its honour abroad, with temper and firmness ; by making an advantageous treaty of commerce with Russia ; by obtaining

chants, by which means the most partial informations were received and attended to, the public interests sacrificed to those of a few individuals, and the extensive resources of Great Britain almost cut off.

## X.

Under them the interests of our northern and southern colonies were mistaken, and preferred to those of Great-Britain ; while their passions and animosities were suspended only by the union, formed to reject their dependency, and disclaim the authority of Great-Britain ; and if their interests were reconciled, it was by the sacrifice of those of the mother country.

## XI.

The treaty of commerce with Russia had been projected, by their predecessors, on terms more advantageous to England ; and the late administration departed only from that firmness, which had consulted its interests and honour, by *concessions* to the court of Peterburgh.

The

a liquidation of the Canada bills, to the satisfaction of the proprietors; by reviving and raising from its ashes the negotiation for the Manilla ransom, which had been extinguished and abandoned by their predecessors.

## XII.

They treated their sovereign with decency; with reverence. They discountenanced, and, it is hoped, for ever abolished the dangerous and unconstitutional practice of removing military officers for their votes in parliament. They firmly adhered to those friends of liberty, who had run all hazards in its cause, and provided for them in preference to every other claim.

The Canada bills were liquidated on stipulations which, though accepted by the wearied and despairing proprietors, were less beneficial than those which had been refused in the preceding year. That Phoenix, the negotiation for the Manilla ransom, did not, under them, appear brighter than it had done in the time of their predecessors, by whom it was never abandoned; and the public has *hitherto* seen nothing arise from its ashes but smoke.

## XII.

They treated their sovereign with all the *reverence* which is consistent with their declaring, that they came into office upon his faith, and insinuating, even in this their manifesto, that they go out of office by his breach of it. They treated their sovereign with *decency*, by pledging his name falsely to their measures, and requiring his opinion, in writing, as to a bill then under the consideration of the legislature. Though too timid



to *remove*, they were not afraid to *prefer*, for their votes in p——t, the young and interested officers, who were attached to them, to those of much superior military pretensions. They revived, extended and exercised, with partial severity, those *civil* proscriptions which the preceding minister had endeavoured to abolish, and filled every department with such of their own adherents, as had followed them in their *desertion* of the most respectable part of the opposition.

## XIII.

With the Earl of Bute they had no personal connection; no correspondence of councils. They neither courted him nor persecuted him. They practised no corruption; nor were they even suspected of it. They sold no offices. They obtained no reversions or pensions, either coming in or going out, for themselves, their families, or their dependants.

## XIII.

If they had, with Lord Bute, no correspondence of councils, it was not for want of inclination, but of ability; for many among them endeavoured to avail themselves of the least circumstance of former intercourse, to conciliate his present favour. They became ministers from being thought less hostile to his lordship than those to whom they succeeded; and they *did not venture* to remove the least of his dependants.

pendants. In the two preceding years, no election had been made, in which the influence of ministerial corruption could even be suspected.—The last administration opened the winter campaign with the *election at Rochester*.—In the former period, no pension was granted, except to a lady, who was the object of *public*, as well as of *royal* compassion, and to a gentleman, who had amply merited it by forty years faithful and laborious service. In the latter period, five hundred pounds *per annum*, for life, was given to a gentleman who had never served at all, and whose diffidence did not suffer him to accept an office of 3000l. *per annum*, without this insuring consideration. A reversionary lease of a very beneficial grant was bestowed on a gentleman in very affluent circumstances, extending his term thirty-five years, while two hundred pounds per annum given to another, purchased a vacancy in a respectable assembly. A noble lord likewise is in-

indebted to me—I indulgence, for a grant of timber in a certain forest, worth at least 13,000*l*. These are some of the services of the first three months; and I doubt not, but the subsequent part of their administration produced many of a similar nature.

## XIV.

In the prosecution of their measures they were traversed by an opposition of a new and singular character; an opposition of placemen and pensioners. They were supported by the confidence of the nation. And having held their offices under many difficulties and discouragements, they left them at the express command, as they had accepted them at the earnest request of, their royal master.

## XIV.

In the prosecution of their measures, they were indeed traversed by an opposition of a new and singular character; an opposition of placemen and pensioners, *for they opposed themselves*. The public therefore refused their confidence to a ministry which was irresolute, divided, and over-awed to a degree of ridicule, which was timid and presumptuous by turns, and whose proceedings were stained with the various hues of each faction which composed it. They hung, however, with the most interested perseverance on those offices, to the difficulties of which they were so apparently unequal, till they were removed



*moved upon a plan settled by that minister whom they had courted, forsaken, and endeavoured to ruin.*

## XV.

These are plain facts; of a clear and public nature; neither extended by elaborate reasoning, or heightened by the colouring of eloquence. They are the services of a single year.

## XVI.

The removal of that administration from power is not to them premature; since they were in office long enough to accomplish many plans of public utility; and by their perseverance and resolution, rendered the way smooth and easy to their successors; having left their king and their country in a much better condition than they found them. By the temper they manifest, they seem to have now no other wish, than that their successors may do the public as real and as faithful service as they have done.

## XV.

These are plain facts; of a clear and public nature; neither extended by elaborate reasoning, or heightened by the colouring of eloquence. They are the services of a single year.

## XVI.

The removal of the late administration from power was to them premature, since it was in that hour of security in which they had boasted with equal confidence and falsehood of their victory over Lord Bute, Mr. Grenville, and Lord Chatham; *but to the public, it was too late*, for they were in office long enough to destroy those many plans of public utility, which their predecessors had formed; and, by their incapacity, irresolution, and profusion, to render the way rough and difficult to any successors; difficulties, which they wish

wish to increase, if we may judge of their temper by the conduct of such of them as could not find favour in the eyes of Lord Chatham; and particularly by the courteous reception given in Grosvenor-square, to that noble lord.

It would be unfair to determine, whether they left their king and country *in a much better condition than they found them*, upon the scanty materials produced by their short historian. The other measures pursued by them, and which his modesty hath omitted, must contribute to the decision of this point. They are therefore added to *assist* the judgment of the reader.

They *increased* the establishment, in a time of profound peace, 94,000*l.* per annum; 77,300*l.* of which was proposed to be expended in repairing and rebuilding ships, (while there were already more ships than could be manned) and was demanded by those who had opposed the establishment of the former year, as too large, merely because when great lords say *aye*, a poor c——r of the e——r must not say *no*. The rest of the increase is the effect of profusion in every article which could admit of being enlarged.

The savings made by the former ministry had amounted to 230,000*l.* The last administration neglected the improvement of the revenue, by stopping short in those tracts which had been pointed out to them: when, by the acquisition of the Isle of Man, an illicit trade, amounting to 300,000*l.* per annum, was prevented, it was intended to perfect and extend that measure by similar regulations, with regard to Guernsey and Jersey. This intention was made known, the means considered, the measure called for and omitted:

their predecessors in office had obtained from France, for the maintenance of their prisoners, the only sum ever brought into the exchequer upon that account. The demands for the prisoners taken in Germany and the East-Indies, though equally founded in justice, not being supported with equal vigour, have in their hands produced nothing.

The former ministry had increased the public revenue by their American bills, the duty on gum seneca, and the post-office regulations, 234,000*l.* per annum, exclusive of the judicious alterations which had been made in many parts of the revenue, and of that reduction of interest which amounted to 130,585*l.* in the space of two years. In fact, the total debt provided for in that period, amounted to 6,462,946*l.* while the funds for the discharge of this were laid principally upon foreigners, and rather promoted than impeded our commerce. The last administration *diminished* the public revenue by the acts respecting America, 130,000*l.* by the alteration of the cyder tax, 20,000*l.* per annum. They raised the supplies in the only year in which that province was entrusted to them, at the expence of near 15,000*l.* above that of the former, though the public was now in a more advantageous situation, and the tax imposed for payment of the interest of their loan (that on windows) must be either oppressive or ineffectual. The same chancellor of the exchequer, who had stated the disposeable money of the sinking fund, as considerably under one million, took credit for 2,150,000*l.* on that fund, deteriorated as it was by his system of finance.

The improvements which the former administration had made in the revenue, would have enabled them to give that relief to the landed interest, to which their steady acquiescence, under the necessary burthens of the state, had so well entitled them. By the last administration, the hopes of this relief were entirely cut off,  
and



and the landed gentlemen were partially sacrificed to the interests of traders and colonists.

Upon the whole, the nation, which in the preceding two years had been benefited 200,000*l.* per annum, was impoverished by the last administration, (if we add their increase of expence to their diminution of the income) in the space of one year, 240,000*l.* which is the interest of EIGHT MILLIONS! The public, which had beheld them advanced to office with surprize, felt a warm indignation at the oppressions which it had suffered from their measures, and saw with the justest pleasure, a part of them, at least, deprived of the power of augmenting the distresses of the state. The nation has too severely felt the effects of their incapacity and profusion, either to wish for, or to support successors of similar principles and abilities.

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CONSIDERATIONS ON THE TRADE AND FINANCES OF  
THIS KINGDOM, AND ON THE MEASURES OF ADMINI-  
STRATION, WITH RESPECT TO THOSE GREAT NA-  
TIONAL OBJECTS SINCE THE CONCLUSION OF THE  
PEACE.

BY THOMAS WHATELY, ESQ.

**T**HAT the wealth and the power of Great-Britain depend upon its trade, is a proposition, which it would be equally absurd in these times to dispute or to prove: it was not indeed apprehended that they were so great as they have been found to be, we did not ourselves know our own strength, till the vigour of the last war applied the resources of that wealth, and exerted the efforts of that power; in the progress of it many acquisitions highly beneficial to commerce were made; and the most important of them were se-

cured by the peace ; but on the other hand, the abilities of this country were stretched to their utmost extent, and beyond their natural tone : trade must suffer in proportion ; for the price both of labour and materials was enhanced by the number and the weight of the new taxes, and by the sudden and extraordinary demand which the ruin of the French navigation brought upon Great-Britain : in consequence of which, rival nations, who were not before, may now be able in many articles to under-sell us at foreign markets, and even become competitors at our own. Both public and private credit were at the same time oppressed by the vast and rapid increase of the national debt : the value of the stocks being sunk by the quantity of them, scarcity of money and high rates of interest ensued ; and the large unfunded debt which remained behind, aggravated the evil, and affected every money-transaction. These are circumstances of very serious concern, and important to the decision of any enquiry into our national situation : to state them therefore distinctly ; to set against them the advantages we have gained ; and to examine into the measures which have been pursued since the peace, as well those which will contribute to restore order to the finances, to preserve or to recover trade, and to improve our new acquisitions ; as those which have a contrary tendency ; in order from the whole view to form some judgment of the real state of this kingdom, with respect to its finances and its commerce, will be attempted in the following considerations ; but measures having varied, and the national situation and prospects being thereby different at different times, it will be necessary to distinguish them into two periods, the one ending in the last year, the other comprehending all subsequent operations : and I shall therefore endeavour to keep the consideration of each entirely separate, as the only means of determining upon either.

The debt contracted by the war which had been funded before the negociations for peace began, consisted of 50,730,000*l.* redeemable annuities; of 472,500*l.* being the value at fourteen years purchase of the annuities upon lives which were granted in 1757, and of 6,826,875*l.* being the value of the long annuities granted in 1761 and 1762, at  $27\frac{1}{2}$  years purchase, which was the price they bore about the time of signing the preliminaries, and is nearly a medium price. The encreased funded debt was therefore at that time 58,029,375*l.* but the expences of the war did not cease with its operations; they continued for some time to be very considerable; distant fleets and armies could not be suddenly recalled; large establishments could not be immediately reduced; and on these and other accounts it was necessary between the signing of the preliminaries and the conclusion of the peace, to make a loan of 3,500,000*l.* The fund provided for the payment of the annuities thereon, were the additional duties of 8*l.* per ton on French wine and vinegar, of 4*l.* per ton on other wines and vinegars, and of 2*l.* per ton on cyder and perry imported; and a new duty of 4*s.* per hoghead on all cyder and perry made in Great-Britain to be paid by the maker thereof. The sum to be raised on this fund was wanted for immediate services, and pressing demands, and a vast debt still remained unfunded: that part of it only which consisted of navy bills and ordnance debentures amounted to 3,670,739*l.* 2*s.* 8*d.* and for these a temporary provision was immediately made, in the same manner as had been done at the end of the former war, with respect to the then out-standing bills and debentures, by charging upon the sinking fund so many of them as should be subscribed, to be converted into stock at four *per cent.* redeemable. The interest was the same as before, but when it was upon bills, the time of payment was uncertain; upon the stock it is regular: they



were indeed always assignable, but nor divisible; if therefore the money which the bill-holder wanted was less than his bill was worth, he was obliged to sell more than he wished, the entire bill only, and not a part of it being saleable; and as many of them were for large, and most of them for fractional sums, it was often difficult to dispose of them. Stock, on the contrary, in any proportion and at any time will find a purchaser. On these considerations the majority of the proprietors to the amount of 3,483,553l. 1s. 10d. were induced to subscribe, and the market was thereby cleared of a great quantity of paper-circulation upon government security, which had excluded a like circulation upon private security, and engrossed all the ready cash; this operation therefore made an opening for the admission of notes and personal security, facilitated discount, and occasioned an easier circulation of money.

But notwithstanding this relief a large debt was still unprovided for; it accumulated the next year; and trade, and credit, and the stocks, all laboured under the oppression. It was so sensibly felt, that many persons impatient of the burthen, thought a further loan necessary for paying off a considerable part of it; but they did not sufficiently reflect on the permanent mischief which the creating of a fund equal to such a loan would have occasioned: the considerable surplusses which were in the disposal of parliament, the surplusses of the duties on coals and culm, of those on soap, paper, starch, linens, silks, calicoes, and stuffs; of the stamp-duties, and of the duties upon licences for retailing spiritous liquors were all appropriated. The high duties which the legislature had laid upon spiritous liquors to prevent the too frequent use of them, were also applied; the funds which luxury could supply, were exhausted by the taxes imposed upon plate, cards, dice, brandy, and wine; commerce had furnished its quota by a further subsidy on East-Indian commodities,

modities, on the produce of our own plantations, on grocery, linens, and other miscellaneous articles : property had again and again been called upon to raise fresh contributions by additional stamp duties, additional duties on houses, additional duties on windows : and the demands of the war still crowding on, recourse had at last been had to those supplies which an universal home consumption could raise : the common beverage of the people was chosen, and duties were laid on malt, on beer, and on cyder. These pressed immediately on the middling and lower ranks, on husbandmen and manufacturers, who were not indifferent to many of the other duties ; the wages of labour were raised ; the value of foreign commodities, and even of our native produce was enhanced ; and these are circumstances always prejudicial, frequently dangerous, and sometimes fatal to trade and manufacturers. Was this a time to impose a new tax which must have been heavy to have been effectual ; and which, so far as our commercial interests might have been affected by it, would not in the end have been a benefit, though it should be a present relief, to public credit ?

But even if a fund free from any objection had been ready, an accidental distress from another quarter would have prevented the application of it :—" The failures  
 " at Berlin, at Hamburgh, and in Holland, which hap-  
 " pened about the month of September, 1763, had  
 " spread terror to every commercial city on the con-  
 " tinent : the effects of such bankruptcies could not  
 " but be great and extensive ; they were unknown,  
 " and therefore appeared greater ; no man was sure  
 " that he himself was safe ; every one concluded  
 " that others were ruined ; they were afraid they  
 " should be drawn upon ; they were afraid to draw ;  
 " and dismay and distrust appearing in every counte-  
 " nance, encreased their mutual apprehensions ; wealth  
 " could not procure credit, nor confidence ; but uni-

“ versal doubt prevailed, and all expecting what they  
 “ feared, and disbelieving what they heard, impatiently  
 “ waited in consternation and despair for a certainty  
 “ which they dreaded to receive. The British mer-  
 “ chants alone behaved with a spirit equal to the cri-  
 “ sis : though they were particularly unprepared for  
 “ such an event at that conjuncture, when all Europe  
 “ was deeply, and they were more deeply than any, en-  
 “ gaged in the stocks, which in consequence of this  
 “ calamity were falling ; though most of their trans-  
 “ actions therein were time-bargains, by which their  
 “ credit was already stretched, and they had made  
 “ themselves answerable for a new species of demands,  
 “ great in amount, near in prospect, and which could  
 “ not be postponed, even for a day ; yet amidst these  
 “ accumulated difficulties, regardless of the partial se-  
 “ curity of their own particular houses, they applied  
 “ themselves wholly to provide for the general safety :  
 “ though the situations of their correspondents were  
 “ acknowledged to be precarious, they trusted them  
 “ more than ever : they turned all they could into mo-  
 “ ney, they sold, at a loss, they borrowed in order to  
 “ lend ; and then made vast and immediate remittances  
 “ to the places where the distress and the danger were  
 “ the greatest. The encouragement and concur-  
 “ rence of a firm administration supported their re-  
 “ solution, and seconded their efforts : the Bank  
 “ on this pressing occasion, instead of paying in silver,  
 “ doubting on securities, or recurring to any of the  
 “ little expedients of caution and delay, boldly, and  
 “ without hesitation, and without reserve, gave the  
 “ most effectual assistance, for discounting bills with  
 “ the readiest dispatch, and to an incredible amount :  
 “ and the merchants being from thence supplied with  
 “ larger sums than they themselves thought it possible  
 “ for them to command, and sending away all they  
 “ could procure, by such a seasonable and vigorous ex-  
 “ ertion



“ exertion of their power, prevented the bankruptcy of “ Europe.” But all their generous endeavours might have failed, if the money wanted for this great purpose had been diverted to any other; or if any check had been given to an operation, to which the least delay must have been fatal, and which the shortest intermission might have rendered abortive. A loan made under such circumstances would have been attended with the ruin of many individuals; the price of the stocks already fallen by the quantities which had been sold in order to raise money, must have sunk still lower; and the further depression of both public and private credit would have been the inevitable consequence of such a desperate measure.

On the other hand it seemed at first sight impossible, effectually to relieve the public of the burthen of so large an unfunded debt by any other means: It was, however attempted, and the attempt has succeeded beyond expectation. A strict scrutiny was during the years 1764 and 1765 made into the several branches of the revenue, into the collection, and into the expenditure; those revenues were encreased by a steady execution of the laws relating to them, and improved by additional regulations: new resources of finance were opened; and the whole was conducted with a frugality, which was important because it was universal, and generous as its object was justice. From the concurrence of all these measures, supplies were found in the years 1764 and 1765, sufficient to reduce the unfunded debt within such a compass, as to be no longer oppressive upon public credit; that part of it which consisted in navy bills only excepted: they had accumulated so fast, that though 650,000*l.* had been granted in the supplies for 1764, towards discharging the debt of the navy, yet the bills in course of payment on the 31st of December, 1764, with the interest due thereon, amounted to 1,971,589*l.* 5*s.* 8*d.* to ease the market

market of this incumbrance, it was proposed to provide for the major part of them by creating a fund for 1,500,000*l.* The distress of the last year was now entirely at an end; the alarm it had occasioned was subsided; money was in plenty; the stocks were rising; trade flourished; and the course of exchange was in our favour; there could therefore be no difficulty in making a loan; the terms offered and accepted were two-fifths in redeemable annuities; two-fifths in lottery-tickets; and the remaining one-fifth either in a redeemable annuity, or life annuity with benefit of survivorship, at the option of the subscribers; the whole at three *per cent.* Of this proposition the two-fifths in three *per cent.* annuities were the only part whose value could be exactly ascertained; the survivorships could not properly be worse than these, for these might be taken instead of them, there was a chance that they might be better; they had seldom been tried in England, and never in parallel circumstances; in France they had often succeeded; and if they should succeed here, they might be applied to greater purposes: if they failed, the sum engaged being so small, and an option being given between them and the three *per cent.* annuities, no bad consequence could ensue. On these considerations the experiment was made, it has not succeeded, and no bad consequence has ensued. As to the lottery-tickets, it was known by experience that they would bear some premium; and whatever advantage might be made was offered in the first instance to the holders of navy-bills, who having suffered by the delay, were entitled to favour, in the manner of payment; and had therefore an option given them either to be paid at par, or to subscribe: for this purpose the subscription was opened for navy bills only to a certain day; by that time so many as amounted to 1,347,500*l.* were subscribed; the bill-holders therefore to that great amount thought the subscrip-  
tion

tion more eligible than payment at par: The remaining sum of 152,500*l.* was afterwards made up by the contributions of other persons; but the whole sum being applied to the discharge of navy-bills, the load of such a quantity of that kind of circulation was taken off; and a saving of 15,000*l.* per annum was made to the public, by substituting a stock at three *per cent.* instead of navy bills at four; which was done at a time when the three *per cents.* were below 87, and I believe there is no instance of money borrowed at that rate. while the stocks bearing the same interest were so greatly under par.

Yet how serviceable soever this operation might be to public credit, it would not in the end have proved a national benefit, if an additional burthen upon trade had been the means employed to effect it, but the duties which compose the fund then created, are in no degree hurtful, and may in some respects be beneficial to trade; they are duties upon coals, East-India silks, and callicoes exported, and upon policies of insurance: that upon coals exported is four shillings upon the Newcastle chaldron, which is two shillings the London chaldron; and being paid by foreigners only is in that respect a matter of indifference to this country; but in another it is of importance; for coals are necessary to the dyers, the glass-houses, the iron-works, the distilleries, and other manufactories abroad, and a tax upon them is an advantage given to the rival British manufactures, who now want every assistance; nor is there any danger of losing the trade by so moderate a burthen upon it; on the contrary it will encrease, as the peet begins to fail in Holland; and though coals are found in the country of Liege, and in several parts of Flanders, yet being subject to a variety of tolls in the different states through which they must be brought, they cannot, when they arrive in Holland, be sold so cheap as the Sunderland coals. As to the East-Indian com-



commodities which are charged to this fund, some imposition upon them was necessary for the preservation of our American commerce in that article : a duty had been laid in the preceding year upon the same commodities exported to the colonies ; the only material objection to it was, that the Dutch who buy those goods here, would be able to under-sell us in America ; but this was remedied by extending the charge to all that are exported ; a duty of five *per cent. ad valorem* on the prohibited silks and calicoes, and of two *per cent.* on the white calicoes which have not been printed or dyed in England, seemed sufficient to answer the purpose, as the foreign merchants who purchase here must necessarily incur expences of freight and commission, from which the British traders are free. The remainder of the fund is made up by the new duties upon policies of insurance : those instruments had been so variously charged, and the acts relating to them were interpreted so absurdly, that some regulation was proper on the principle of equality : no more than one shilling was paid on policies executed in the country, while those executed within the bills of mortality were charged with three shillings and ten-pence, if made out at a private office ; and with one shilling more if made out by the insurance companies ; there is no reason for any distinction, and they are therefore now all brought up to five shillings ; the difference I believe will not be very sensibly felt any where ; if it should, the occasion for putting them all upon a level will be the more apparent. The whole fund thus compleated will, when brought into a regular channel, undoubtedly produce 45,000*l.* which is the interest of the 1,500,000*l.* raised upon the credit of it.

If to this sum of 1,500,000*l.* be added 58,029,375*l.* the debt contracted before the negotiations began, and that which was funded between the signing of the preliminaries and the conclusion of the treaty, viz.

3,500,000*l.*

3,500,000*l.* on the wine and cyder-tax, and 3,483,553*l.* 1*s.* 10*d.* navy annuities, the whole funded debt contracted by the war and funded before the end of the session, 1765, appears to be 66,512,928*l.* 1*s.* 10*d.* The taxes necessary for paying the interest of so large a capital, must sooner or later be detrimental to many branches of the manufactures, produce, and trade of this kingdom. The evil was unavoidable when the expence was so great; but from the time that the pressing demands for immediate service ceased, care was taken not to augment it; and several of the regulations relative to trade, which will occur in the following sheets, are calculated to check and diminish its pernicious effects: but the most solid consolation under the loss we may sustain, arises from the acquisition made in America; by a due improvement of which many of the most important articles of our commerce will be encreased, and others which we had not before may be obtained: what attention has been given to these I shall have occasion hereafter to shew; it suffices for the present to observe, that we must from thence chiefly expect compensation for the disadvantages under which our trade will labour in the European and other markets, where we have competitors to encounter. We are entitled to this the only return which the colonies can make for all the benefits so lately and so liberally bestowed upon them; and if the supreme authority of this country be properly supported, we shall receive it.

Another mischief attending so vast an accumulation of debt, is the opportunity it gives of making a great interest of money: that which may be in the stocks depends upon the price they bear; and they have continued to be below their usual level in times of peace for several reasons. The vast amount now of the national debt is one; as the greater the quantity is of any commodity at market, the cheaper it must be: that

that quantity however would not have had the same influence on the price, if the encrease had been more gradual; the first subscribers and the first purchasers from them, engaged with a view to profit only, and not with any intention to continue in the new-created funds; but these funds are so large, that a sufficient number of stock-holders could not easily be found to buy into them: and the adventurers being all of them inclined, and some of them forced to sell, have been the means rather of depressing than supplying the market. Others again bought into the English funds, not indeed for gaming purposes, but still for a temporary convenience; the inhabitants of those countries which were ravaged or threatened by the war, remitted all they could hither, as to a place of security; but their distresses being at an end, they have wanted it again at home: and several persons and houses on the continent, though they were in places where themselves and their properties were safe, yet their German correspondence and traffic being interrupted, they vested the sums which by that means were unemployed, in funds where they were sure of a considerable interest, and had a fair prospect of greater gain, before the revival of their trade after a peace could make it necessary for them to recal their money. When proprietors of so many denominations are all sellers, they must greatly out-number the buyers, and that disproportion, so long as it continues, will necessarily keep down the price: the shock given to all credit by the failures abroad encreased the disproportion, and maintained it longer than it would otherwise have subsisted; but the difference now diminishes every day; many have by degrees disposed of all they wished to get rid of; purchasers multiply as the plenty of money encreases; the arbitrary reduction of the French funds has shewn the preference due to those of England for their certainty; a large supply constantly arises out of the stocks themselves,



selves, as a considerable part of the dividends upon the estates of infants, of foreigners, and of persons who live within their incomes, is continually laying out in the purchase of more capital; and from these and many other concurring causes, the stocks have been for some time generally rising: the circumstances which kept them low, and which no art or force could remove, because they sprung out of the nature of a vast stock, suddenly accumulated, in such a state of affairs as that of Europe then was, have gradually given way to the effect of time and peace, and made room for the operation of those measures which were conducive to the same salutary end of enhancing the value of the public funds. To this the discharge of a large unfunded debt principally contributed; for not only the money therein absorbed was set free, but the credit of the nation was raised by such a proof of its ability; and the advantages which were seasonably taken of these favourable circumstances, advanced its reputation still more. All the annuities which were granted at a higher rate than three per cent. during the war, are irredeemable for a certain term: the near prospect of peace in 1763, enabled the government to get rid of so irksome and prejudicial a restriction, and with the assistance of a lottery to raise money at four per cent. redeemable: in the last year all that wanted was by the same means raised at three per cent. redeemable; and the like reduction was also applied to other transactions: the exchequer bills were issued at four per cent. till the close of the year 1764, when an experiment was made upon part of them at three and an half; in 1765 the whole 800,000*l.* was issued at three, and even at that rate they were generally about and sometimes above par: the Bank contract also for the land and malt which had till then been at four per cent. was in 1765 made at 3 and 1-half for the malt, and for the first million of the land-tax, and at three for the second,

which

which was in effect a reduction of the whole to three for the next year; and from all these symptoms it was evident even during the year 1765, within two years of the conclusion of the peace, that the government could procure money at three per cent. for the future: the consequence of which must be the rise of the stocks; and the benefit from thence resulting both to the landed and the monied interests of this kingdom, are too obvious to be mentioned.

A great, if not the principal, share in producing these favourable appearances, must be attributed to the provision made in so short a time for so large a part of the unfunded debt; it is therefore now proper to see in what manner and to what amount that was effected: the whole debt cannot be stated at any particular period; for some parts of it were discharged, before others were accounted for; I will therefore take the articles separately, and having shewn what was done upon each, I will afterwards endeavour to form a general view of the whole, which may then be intelligible. The most formidable in appearance were the German demands; they amounted to near nine millions sterling, and though infinitely various in the grounds upon which they were founded, and the manner in which they were made up, yet for the present purpose they may be considered under three heads, ranging them according to the different modes of proceeding which have been followed in discharging them.

The first is the claim of the Duke of Brunswick to a subsidy of 43,901 l. 3 s. 7 d. 5-11th for two years after the determination of the war. The right was unquestionable, being founded upon treaties, in which the sum was specified, and therefore the debt has been regularly paid as it has accrued: 33,557 l. 6 s. 9 d. 9-11th became due in 1763, and provision was made for it in the supplies for that year: this therefore cannot properly

perly be called a debt unprovided for at the end of the war: but the remaining 54,245l. os. 5d. 1-11th was strictly so, and has been discharged as such, viz. 43,901l. 3s. 7d. 5-11th out of the supplies for the year 1764, and 10,343l. 16s. 9d. 7-11th out of the supplies for 1765, which last sum closes this account. The Landgrave of Hesse had a claim to a subsidy for one year after the peace; but part of it having been paid out of the supplies of 1762, and all the remainder provided for in those of 1763, it cannot be carried to that unfounded debt which alone I mean to consider.

The next head is the demand of the Landgrave of Hesse, for the reasonable succour which was agreed to be given to him by the convention made on 1st of April, 1760, in case his dominions should be invaded and laid under contribution: they were invaded, and his claim therefore to some succour was founded upon treaty; but what should be deemed reasonable was a subject of great discussion. No precise sum was stipulated, and 220,000l. had in performance of this agreement been given in 1761, of which 120,000l. were paid immediately, and 50,000l. in 1762, and 50,000l. in 1763. On the conclusion of the peace the landgrave delivered an account of further damages sustained to the amount of 10,382,668 German crowns, which are above 1,730,000l. sterling. This was objected to as an unreasonable demand, and the affair being put into negotiation, it was at last agreed to pay the landgrave 150,000l. which sum payable in three years was accepted by a protocol, signed 21st March, 1764, in total extinction of all demands and pretensions whatsoever, which his serene highness might form under the title of reasonable succour, or otherwise, such sums only excepted as should appear to be justly due upon contracts made by persons duly authorized for that purpose: in consequence of this agreement 50,000l. were paid in 1764, 50,000l. in 1765, and



the remaining 50,000*l.* are provided for in the supplies of the present year.

The third head comprehends all those German demands, which no treaty had fixed, and which no negotiation could settle ; but which being meer matters of account, could be adjusted only by liquidation. A special commission was therefore appointed for that purpose, and nothing less would have been equal to a business so various, perplexed, and extensive. An office at home, immediately under the inspection of the treasury, and reporting to them all their proceedings, to be by them submitted to the judgment of parliament ; an office acting under instructions adapted to that end only, collecting withing its own view all the information which the several departments of the commissariate could give, and furnished with every other means of enquiry ; seeing the whole of the demand together, checking one part of it by another, and equally informed of the rights of the crown and of the claimants ; such an office only was able to detect the frauds and abuses which had been practised, to state long and intricate accounts, and to determine the just balance between the public and its creditors. Upon these motives all further proceedings in Germany were stopped, the commissariate there was recalled, and three commissioners appointed here to examine the German demands. To prevent delay a certain day was fixed, beyond which no claims were to be received ; such a declaration invited none, though it admitted all ; and it brought the whole together by the time appointed : but a great part was excluded from immediate examination, because most of the states on the continent had pretended to do themselves justice, by seizing the British magazines in their territories : it did not become the dignity of the crown of Great Britain to submit to an arrest of its property, or to suffer others to usurp the dispensation of its justice : notice was therefore

fore given that no claims made by the subjects of those countries in which such seizures had been permitted, should be so much as taken into consideration, till not only full restitution was made, but satisfaction also given for the damages sustained; in consequence of which spirited measure, the magazines were after a few fruitless remonstrances restored, and the accounts of the parties who had been excluded, were then examined with the rest. The whole amounted to more than seven millions sterling; the articles which composed this enormous sum were some of them just and reasonable, for services done, supplies furnished, or expences incurred, under contract, by agreement, or in consequence of a proper requisition; but many were fraudulent; many were suspicious; others though fairly stated, appeared upon examination to be either not founded upon right or not supported by vouchers; and many were upon the face of them totally inadmissible, in which no imposition was attempted, no services were pretended to have been performed, but valuations only of losses sustained were offered, and indemnifications demanded as debts: even our enemies have desired to be reimbursed, the contributions levied upon them. Such and all other equally groundless claims being rejected, and the proper deductions being made from others, the sum of 7,132,652l. 5s. 5d. to which the whole of these demands amounted, has been reduced to 1,106,043l. 13s. 8d. 1-4th with justice to the claimants, and equally to the honour of those who instituted, and of those who executed the office for liquidating them. Provision has been made for the payment as the reports from the commissioners have come in: and for this purpose 500,000l. were granted in 1764, as much more in 1765, and 106,043l. 13s. 8d. 1-4th has been granted this year in full satisfaction of the remainder.

\* The account therefore of all the German demands appears from what has been said to stand thus :

	Demands.			Payable.		
	l.	s.	d.	l.	s.	d.
Subsidy to the Duke of Brunswick - - -	54,245	0	5	54,245	0	5
Reasonable succour to the Landgrave of Hesse -	1,730,444	0	0	150,000	0	0
Miscellaneous demands -	7,132,652	5	5	1,106,043	13	8
Total - -	8,917,341	5	10	1,310,288	14	1

But though the whole amounts to very near 9,000,000*l.* yet as all which on the fairest examination was found to be justly due has been discharged for 1,310,288*l.* 14*s.* 1*d.* 15-44th no more than that sum can be strictly called a debt, and in this light it is not so considerable as others which will not admit of a like reduction.

The unfunded debt of the navy was far greater, though that too was less than it appeared to be, and though I shall exclude from this account the debt provided for in the supplies for 1763, as that provision was made before the final conclusion of the peace, and the sums funded in that year have been already carried to the funded debt contracted by the war : but besides the great quantity of navy bills then converted into annuities, and notwithstanding the provision made to prevent if possible an encrease, by voting 30,000 seamen for the whole year, when the peace establishment was intended to be no more than 16,000, yet such was at first the extent of the services, it required so much

\* Though 50,000*l.* of the reasonable succour to the Landgrave of Hesse and 106,043*l.* 13*s.* 8*d.* 1-4th of the miscellaneous demands be provided for in the supplies for this year, and therefore do not properly fall within the period now immediately before me, yet I thought it would be more satisfactory to insert them here, as the settlement of all the German demands was entirely the measure of the administration in 1764; and the account being compleatly closed, it should be stated all together.



time to bring home the ships, other demands continued to be so great, and such large arrears came in, that the navy debt not included in the subscription of 1763, added to what was afterwards brought to account in 1764 and 1765, (the whole of which was in the strictest sense unprovided for during the war) amounted to no less than 4,576,915l. 7s. 9d. of this 650,000l. were paid off in 1764, and 1,500,000l. were disposed of in 1765 by the subscription; these two sums therefore being deducted it was reduced to 2,426,915l. 7s. 9d. but then the whole of the navy debt is not payable when the account is made up, and some will never be demanded: the navy bills are not due till six months after they have been issued; six months also of the seamen's wages by act of parliament always must be, and in consequence of the rules prescribed by that act, twelve months wages generally and often much more are retained: and there has been besides at all times a large arrear of pay, which though kept in the account could never be claimed, the persons to whom it was due having left neither assignees nor representatives. The precise amount of such sums cannot be ascertained; but they can hardly be reckoned less than thirteen or fourteen hundred thousand pounds. On 31st December, 1754, when the navy debt was reduced nearly as low as it could be, it still amounted to 1,296,567l. 18s. 11d. 3-4th, consisting chiefly of articles which could not then be discharged; such articles will be larger now in proportion to the encrease of the establishment, and an allowance must always be made for them in judging of the state of the navy debt, though they are not distinguishable in the account. In providing for that which is payable, the principal object of the legislature is always to discharge the bills, for they are the greatest articles, they bear an interest of four per cent. and when the quantity of them is large, they are heavy incumbrances upon all

money transactions. Both the subscriptions which I have mentioned were opened avowedly for that purpose only; and the money granted in 1764, towards the discharge of the navy debt, was applied to no other; the saving of interest thereby made was 26,000*l.* and the saving in the subsequent year of one per cent. on 1,500,000*l.* has been mentioned already. A small deduction must however be made from these sums, for the non-interest bills, and for the interest upon the others which has been converted into principal. All such allowances and deductions amount however to a very trifle, and as I cannot ascertain them exactly, and they are so inconsiderable, it will be sufficient to have taken this notice of them.

The proceeding with respect to the army at the conclusion of the war was similar to that which had been followed with respect to the navy: the extraordinaries brought to account were provided for, and more forces were voted than the peace establishment was intended to be, in order to allow for the gradual reduction of those then on foot: it could not however be made so fast as was proposed; many regiments were at very distant parts of the globe, maintaining or pursuing the conquests they had made: the next year was found not sufficient to reduce them; great expences were still necessary; and large arrears came in; by all which the extraordinaries of the army incurred and not provided for in 1763, were swelled up to the sum of 987,434*l.* 15*s.* 6*d.* 1-half, which were paid out of the supplies for 1764: those incurred in that year and provided for in the supplies for 1765, amounted to 404,496*l.* 7*s.* 6*d.* which added to the former amount to 1,391,931*l.* 3*s.* 0*d.* 1-half.

The extraordinaries of the ordnance discharged within the same period as not having been provided for in the supplies for the year in which they were incurred,  
amounted

amount to 107,878l. 18s. 8d. viz. 52,359l. 8s. 1d. in 1764, and 55,519l. 10s. 7d. in 1765.

It may be said that the whole of these extraordinaries, whether of the navy, of the army, or of the ordnance, are not to be imputed to the war; but the whole was debt: the exceedings of the navy bear the name of debt; those of the army and ordnance are of the same nature; and whoever will look into the accounts will find that most of the articles can relate only or relate principally to war\*. There will indeed always be extraordinaries; but it would be a melancholy prospect if we had any reason to apprehend, that upon a settled peace establishment, they would be nearly equal to these: when I come to state that establishment, I will endeavour to form some calculations concerning them.

The deficiencies of grants and of funds are also generally but not necessarily articles in the supplies for times of peace; for estimates must always be vague, and the produce of taxes uncertain; but there may be an overplus as well as a deficiency, and the one is applied, the other is provided for, each as it arises; when the deficiency happens it is a debt, paid in this, but incurred in a former year; that of the land and malt is indeed constant: those taxes are always given for more than they ever produce; and the consequence is that a debt is thereby contracted, which is regularly discharged in the subsequent year; it varies, but it is commonly estimated at 300,000 l. and as in conformity to the established method of making up the public accounts, I shall in stating the ways and means reckon these taxes at the whole sum for which they are given, I must in order to balance the account reckon this de-

\* It must however be always remembered that a navy debt of 1,296,567l. 18s. 11d. 1-half subsisted before the war, which as not belonging to the war, must be deducted from the debt remaining at the end of it.



ficiency in the supply at 300,000*l.* per annum ; but as  
 so much may upon an average be expected every year,  
 till a reduction of the land-tax shall take place, and as  
 it cannot be attributed to the war, I will distinguish it  
 from the debts paid off within the last two years, when  
 I enumerate them together : the other deficiencies of  
 grants must however be included in that account ; they  
 are accidental, and are incurred in the same manner  
 as other parts of the unfunded debt, by services being  
 performed before they are provided for ; for so far as  
 a service exceeds, or a grant falls short of an estimate,  
 no provision can be said to have been made ; and such  
 deficiencies are not less a debt because they are of no  
 longer standing than a year. The principal articles,  
 however, of the deficiencies now under consideration,  
 do not fall even within that description : they might  
 with more propriety be carried back to the war :  
 the interest upon exchequer bills is one, which ex-  
 chequer bills are a part of the unfunded debt con-  
 tracted by the war : the difference between the esti-  
 mated and real deficiency of the land and malt is  
 another ; a difference which is chiefly owing to the  
 land-tax being doubled, to the effect which addi-  
 tional duties and the absence of large fleets and armies  
 may have had on the consumption of malt, and to the  
 interest paid to the bank on large sums and at an high  
 rate for the loans on both. As therefore deficiencies of  
 grants always come properly under the denomination  
 of debt, and as far the greater part of these peculiarly  
 belong to it, I shall reckon all that have been provided  
 for since the peace on this head as debt discharged ; for  
 which purpose 199,489*l.* 0*s.* 3*d.* was granted in 1764,  
 and 249,660*l.* 4*s.* 10*d.* in 1765, amounting together  
 to 379,149*l.* 5*s.* 1*d.* The deficiencies of funds with-  
 in the same period were 384,854*l.* 3*s.* 6*d.* 1-half, *viz.*  
 147,593*l.* 18*s.* 0*d.* provided for in 1764, and  
 237,260*l.* 5*s.* 6*d.* in 1765. These deficiencies are of  
 funds

funds created for the purposes of the war; they are therefore directly a debt of the war: to dispute their being so, because they arise every year, is only proving that the war has left such an annual charge upon the public: it is strictly speaking the interest of a sum unfunded so far as the fund upon which it was charged is deficient; and it is a charge which though it may vary, will to a degree long continue.

The exchequer bills are the only large unfunded debt which has not been taken notice of, amounting to 1,800,000*l*. No part of them has been paid off; they have only been continued; but the interest upon them has been reduced from four to three per cent. The Bank on the renewal of their charter in 1764, engaged to circulate for two years 1,000,000*l*. at three per cent. per annum. The remaining 800,000*l*. have been already mentioned to be issued at the same rate in 1765; and they have generally been above par.

There were besides three little debts paid off within the two years I am considering, which do not belong to any of the foregoing articles. 7,000*l*. was granted in the supplies for 1764 to reimburse Mr. Touchit his expences in the outfit and loss of vessels furnished by him for the expedition against Senegal. Another 7,000*l*. was granted in the supplies for 1765 upon account of sundry expences incurred in Nova Scotia, some of them previous to the war, and others during its continuance. The sum of 10,000*l*. was also granted to the government of the island of Barbadoes, in compensation for the assistance given by them in the expedition against Martinico.

The several articles of the unfunded debt having been now stated, the account of that debt outstanding, paid off, or provided for in the years 1764 and 1765 appears to be as follows:

Unfunde

	Unfunded Debt.		Paid off in 1764 and 1765.		Provided for in 1765.		Remaining in 1765.	
	l.	s. d.	l.	s. d.	l.	s. d.	l.	s. d.
Subsidy to the Duke of Brunswick	—	54,245 0 5 <sup>1</sup>	54,245	0 5 <sup>1</sup>	—	—	—	—
Reasonable succour to the Landgrave of Hesse	—	150,000 0 0	100,000	0 0	—	—	50,000	0 0
Miscellaneous German demands	—	1,106,043 13 8 <sup>1</sup>	1,000,000	0 0	—	—	106,043	13 8 <sup>1</sup>
Navy debt	—	4,576,915 7 9	650,000	0 0	1,500,000	—	2,426,915	7 9
Army extraordinary	—	1,391,931 3 0 <sup>1</sup>	1,391,931	3 0 <sup>1</sup>	—	—	—	—
Ordnance extraordinary	—	107,878 18 8	107,878	18 8	—	—	—	—
Deficiencies of grants	—	379,149 5 1	379,149	5 1	—	—	—	—
Deficiencies of funds	—	384,854 3 6 <sup>1</sup>	384,854	3 6 <sup>1</sup>	—	—	—	—
Exchequer bills	—	1,800,000 0 0	—	—	—	—	1,800,000	0 0
Mr. Touchit	—	7,000 0 0	7,000	0 0	—	—	—	—
Nova Scotia debt	—	7,000 0 0	7,000	0 0	—	—	—	—
Barbadoes debt	—	10,000 0 0	10,000	0 0	—	—	—	—
	9,975,017	12 2 <sup>1</sup>	4,092,058	10 9 <sup>1</sup>	1,500,000	—	4,382,959	1 5 <sup>1</sup>
Deficiencies of land and malt for two years	—	600,000 0 0	600,000	0 0	—	—	—	—



The unfunded debt remaining at the end of the sessions 1765, though the sum was still large, was yet so circumstanced that the burden of it was not very heavy; as a great part of it did not bear interest, and above half of it was not immediately payable: a large proportion of the navy debt must always be in these circumstances: the 50,000*l.* to the Landgrave of Hesse was not yet due: the miscellaneous German demands unprovided for were not liquidated: the million exchequer bills taken by the Bank could not be claimed till the expiration of the term for which they had agreed to circulate them: the remaining 800,000*l.* were issued at three per cent. and certainly were not an incumbrance, for they generally bore a premium: of the navy debt which was payable and not provided for, no more than 471,589*l.* 5*s.* 8*d.* bills were in course of payment when the account was made up; they too were about par, and therefore not a load upon the market; nor was postponing the discharge of them a hardship on the proprietors who might sell them at par: and at the same time that the debt was brought into such a favourable situation, the ways and means of the year were found to exceed the supplies about 870,000*l.* To have applied part of that sum to any purpose which would have made the remainder useless for purposes of equal importance, would have been wasting it; and there was not so much of the unfunded debt actually bearing four per cent. interest: that the public therefore might avail itself of the whole sum, it was necessary to discharge therewith a part of the funded debt: the navy annuities laid in 1763 upon the sinking fund were undoubtedly the first object; 25 per cent. upon them was very nearly the sum: the navy bills not included in the subscription amounted to much less, and yet to so much, that had they been provided for out of this surplus, no part of the navy annuities could have been discharged, as less than 500,000*l.* may not be paid off  
at

at any time, and 500,000*l.* would not have been left; but exclusive of this consideration, even supposing that the whole of the one had been exactly the same sum as 25 per cent. upon the other, it would still have been right to have preferred the annuitants: the provision made for them on the sinking fund was always intended to be but temporary; they accepted it in the expectation of being paid off as soon as the opportunity should offer; they had merit with the public in subscribing, and were therefore entitled to favour: with respect to the public, it was more important to make a beginning in the reduction of the funded debt, which is excessive, than to take a quantity of paper circulation out of the market, which could hardly be said to be overloaded with it; and the stocks must be more sensible of a reduction of debt made in a mode which proved that order was restored to the finances, than to any further diminution of the unfunded debt, which would not have carried with it such a demonstration. For these reason 870,888*l.* 5*s.* 1-half were voted in the supplies for 1765, for paying off a fourth of the navy annuities, and this sum being added to the former, the whole account of debt funded and unfunded which was discharged or provided for in the years 1764 and 1765, exclusive of the land and malt deficiencies stands thus:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Unfunded debt paid off - -	4,092,058	10	9 $\frac{1}{2}$
Funded debt paid off - -	870,888	5	5 $\frac{1}{2}$
Total debt paid off -	4,962,946	16	2 $\frac{1}{2}$
Unfunded debt provided for -	1,500,000	0	0
Total debt paid off and provided for	6,462,946	16	2 $\frac{1}{2}$

But this great discharge of debt was not accomplished at the expence of the peace establishment: on the contrary, that was kept up higher than it ever had been

been before; the extent of our dominions, the encrease of our power, the resentment of our enemies, and the jealousies of our neighbours require it: the peace would indeed be short and hollow if it were followed by such an avowal of weakness, as reducing the army below the numbers necessary for preserving our conquests, and risking upon any sudden emergency our superiority at sea, for want of a constant provision to maintain it. The evils of the war are not to be remedied by giving up the advantages obtained by it; and whatever the distress of our finances might be, it was not to be recovered by means unworthy of the dignity, and dangerous to the safety of these kingdom: the peace establishment was therefore formed on a much larger plan than after the former war: it has been enlarged (I think unnecessarily) this year; but on the other hand, many of the present expences are merely occasional, and others are only the temporary remains of the war which will gradually diminish: I will not, however, incumber the account I mean now to give of the sums granted in 1764 and 1765, with calculations of the reductions which may be expected, nor confound the establishment of that time with the present: but I will first compleat a state of the supply for those two years; I will next go through the ways and means by which it was raised; and then deducting from each the articles which only accidentally occurred, and allowing for those which must either encrease or decline, I will endeavour upon a review of the whole, to form some estimate of the annual expence to be borne upon the plan then formed, and of the abilities of this country to bear it: the subsequent alterations may by this means be more clearly seen and considered.

The



The money voted for naval services exclusive of the navy debt was as follows :

	In the supplies for 1764.			In the supplies for 1765.		
	l.	s.	d.	l.	s.	d.
16,000 men including 4287 marines	832,000	0	0	832,000	0	0
Ordinary of the navy	398,568	11	9	407,734	11	3
Greenwich hospital	10,000	0	0	5,000	0	0
Buildings and repairs of the navy	200,000	0	0	200,000	0	0
Sea chaplains - -	1,231	17	6	1,231	17	6
Officers houses at Plymouth - -	3,000	0	0	—	—	—
For building a Lazaret - - -	—	—	—	5,000	0	0
Total -	1,444,800	9	3	1,450,966	8	9

This expence is about 500,000*l.* per ann. more than the naval services (exclusive of debt incurred) on an average of seven years during the last peace amounted to, and higher by almost 300,000*l.* than the highest of those years. We have learned by fatal experience that 10,000 seamen were not a sufficient preparative for war in times of perfect tranquility ; for the losses sustained at the breaking out of the last were chiefly owing to the want of hands, which could not be procured so soon as the occasion required, by the most vigorous press, and the most liberal bounties ; not that in order to provide against the like distress, a cumbrous body of idle seamen should be constantly kept in pay : sailors unemployed soon lose their hardiness and activity ; but business may be easily found for such a number as 16,000 in the duty of their respective stations, and in the prevention of that clandestine trade, which is equally baneful both to the commerce and the revenue of these kingdoms : the making them serve on board smuggling

smuggling cutters, at the same time preserves the vigour of our naval force, and improves the means of supporting it: if these cruisers were laid aside, some other services must be devised to take the men out of guard-ships and harbours, to exercise, and to season them: if no men could be spared for this, some other provisions must be made to check the prevalence of practices so prejudicial to the manufacturers and the fair traders, the most valuable subjects in the kingdom: and if the expence of both services were divided into separate branches, I believe it would in the whole greatly exceed that which is now incurred for them united. I shall have occasion to mention these cutters again with respect to the benefit resulting from them to the revenue; I here consider them only as providing a proper employment, and giving activity to that greater number of seamen which our situation requires. The other naval services were encreased in proportion to that augmentation; the ordinary of the navy was above 100,000*l.* higher than it used to be; and there never was so much given in any one year, during the last peace, for rebuildings and repairs, as was granted in each of those two years successively.

The sums voted for the army come next under consideration, which exclusive of the extraordinary and subsidies already mentioned as debts, were as follows :

	In the supplies for 1764.		In the supplies for 1765.	
	<i>l.</i>	<i>s.</i>	<i>l.</i>	<i>s.</i>
Guards and garrisons	—	—	608,130	10 7
Plantations, Minorca, &c.	—	—	387,502	3 11½
General and staff officers	—	—	11,291	8 6½
Reduced officers of the land-forces	30,188	18 0 }	135,606	12 6
Do. disbanded and to be disbanded	125,455	13 0 }		
Horse guards reduced	—	—	2,361	14 2
Chelsea hospital	—	—	109,107	18 4
To make good the deficiency for the said hospital in the grants, 1763	—	—	—	—
Pensions to widows	—	—	1,664	0 0
Difference between Irish and British pay, five regiments	—	—	6,346	3 5
Three independent companies of foot on the coast of Africa	—	—	6,491	17 4½
Total	—	—	1,268,502	8 10½

Total



This establishment exceeds that maintained during the last peace almost 300,000*l.* per ann. but the excess is not in the army at home, which is rather lower both in numbers and expence than it used to be: the garrisons of Gibraltar and Minorca have been reduced from 3260 to 2116 men on the British establishment, the difference being made up by Irish regiments; in consequence of which arrangement between 30,000*l.* and 40,000*l.* is annually saved to Great Britain: but the encrease in the plantations is in numbers from 3755 men to 10,009, and in expence upon this account only from between 80,000*l.* and 90,000*l.* to above 275,000*l.* per ann. The half-pay and Chelsea Hospital each of them more than double what they were at the conclusion of the preceding war; and in these three articles principally the difference between the two periods consists.

A great part of the American army is stationed in the new acquisitions: some of these provinces are frontiers: the allegiance of the inhabitants cannot be relied on; and the security of the old colonies and the advantages obtained by the peace depend upon preserving these in safety and subjection: an encrease also in the expence of the ordnance is on the same foundation equally necessary: for many new fortifications must be erected, and additional garrisons must be maintained in the several ceded countries. The charge of the ordnance in 1764 and 1765 was, principally on account of America, greater than during the last peace by about 60,000*l.* per ann. and exclusive of extraordinaries incurred and not provided for, was,

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Charge of the Ordnance for 1764,	173,080	8	6
Ditto for 1765,	173,673	15	10

Besides the supplies for the navy, the army, and the ordnance, which though they differ in amount at dif-

ferent periods, are still ordinary charges at all times; there have been several sums granted for various purposes, some of which were only occasional, some are temporary, and some will probably be permanent: I shall postpone the distinguishing of them in these respects till I make an estimate of the peace establishment; and at present will only divide them according to the years in which they were respectively voted.

Miscellaneous Articles.	In 1764.			In 1765.		
	£.	s.	d.	£.	s.	d.
Pay and cloathing of the militia	80000			80000		
Marriage portion of the Princess of Brunswick	80000					
Paving the streets	10000					
Land carriage fish	2500					
British Museum	2000					
To replace payments out of the Civil List	7350			2400		
For Nova Scotia	5703	14	11	4911	14	11
Georgia	4031	8	8	3966		
East Florida	5700			5200		
West Florida	5700			5200		
General surveys of America,	1818	9		1601	14	
Purchase money, &c. of lands in Kent, Suffex, &c.	545	15				
Interest of ditto	103	13	9½			
For the African Committee	20000			13000		
For the Civil Establishment on the Coast of Africa				5500		
For building a blockhouse near Cape Appolonia				7000		
For the Foundling Hospital	38347	10		38000		
London Bridge				7000		
Total	263,800	11	4½	173,779	8	11

These sums compleat the account of the supplies voted in the years 1764 and 1765, excepting the exchequer bills, which were 1,800,000l. in 1764, and 800,000l. in 1765, there being no occasion in the latter year to provide for the bank million. They must be added both to the supply and the ways and means, in order to conform to the method of voting public money, and to explain the transaction concerning them, though the effect is in reality no more than continuing a debt

a debt incurred before. Including therefore these, and recapitulating the several totals which have been stated, the whole supply for the period now under consideration stands thus :

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Debt paid off and provided for	6462946	16	2½
Navy in 1764 -	1444800	9	3
Ditto in 1765 -	1450966	8	9
Army in 1764 - -	1283873	17	5½
Ditto in 1765 - -	1268502	8	10½
Ordnance in 1764 -	173080	8	6
Ditto in 1765 - -	174673	15	10
Miscellaneous articles in 1764	263800	11	4½
Ditto in 1765 -	173779	8	11
Exchequer Bills in 1764 -	1800000		
Ditto in 1765 -	800000		
Deficiencies of land and malt for two years - -	600000		
<b>Total</b>	<b>15,896,424</b>	<b>5</b>	<b>1½</b>

It is impossible to look upon this account and not to acknowledge, that if on the one hand, the debt which still remained, the other consequences of the war which will be felt for some years, and the great peace establishment which must be constantly supported, were melancholy considerations; yet on the other, such a supply, approaching to sixteen millions, raised within two years, with the assistance of but one loan, and that for no more than 1,500,000*l.* was matter of consolation: not that this could have been effected by means of the ordinary revenue only; several gross sums were brought in addition to it; but even that resource is not exhausted, and the annual income of this country is in an improving situation; as I shall endeavour to shew after having stated the ways and means by which such a supply was raised.



The largest of the gross sums was his Majesty's bounty to his people, in applying to the public service the produce of the French prizes taken before the war ; it was computed at 700,000*l.* in 1764, at which time 661,058*l.* 1*s.* 1*d.* appeared to have been actually received ; and accounts of 62,700*l.* 5*s.* 9*d.* more raised by the sale had been delivered into the office : but some disputes concerning this latter sum having occasioned a delay in the payment of it, so much as was wanting to compleat the 700,000*l.* is included in the deficiency of grants, and the money not paid in 1764, but expected in 1765, and reckoned at 62,500*l.* was applied to the services of the latter year. The deficiency which thus arose being comprehended in the supplies above stated, I must set down the whole sum of 762,500*l.* in the ways and means in order to balance the account.

The renewal of the charter of the Bank afforded an opportunity for raising another sum of 110,000*l.* though such opportunities had not been improved in the same manner before, the bank having never paid any consideration for the prolongation of their term, and the continuance of their privileges. Their original charter in 1694 was granted on their lending to the Government the money subscribed into their capital, amounting to 1,200,000*l.* at eight per cent. the common rate of interest at that time, which interest with an allowance of 4000*l.* for management, amounted to 100,000*l.* per ann. Their term was enlarged in 1696, in order to advance their credit, which was then very low ; at the same time, and for the same reason their most valuable privilege, that of exclusive banking as a corporation, first took its rise ; and it was carried to the extent at which it has since remained, in 1707, when the renewal of the charter was not immediately in contemplation : no proposition for that purpose was made till a year afterwards, and then the common rate of interest

on

on government security being six per cent. that rate was fixed upon all the money which the bank was at the time in advance. The exchequer bills which they had undertaken to circulate at 4l. 10s. per cent. two years before, were raised to it; and their capital was reduced to it: But being willing to keep the whole of their annuity, they added 400,000l. to their original capital, the interest of which at six per cent. amounted to the saving of two per cent. upon the 1,200,000l. and on exactly the same principle, when the charter was again renewed in 1742, at which time the common rate of interest on government security was but three per cent. they agreed to take no more on their capital, but then they added 1,600,000l. to that capital, in order to preserve their annuity. As to exchequer bills, their undertakings to circulate them are not peculiar to the times of renewing the charter: they are common to all times; and the highest price they ever required for this service was on extending their term in 1713, without any other condition annexed to the prolongation: particular circumstances made it expedient then to comply with the demand; and in short the circumstances of the times will always influence every money transaction: government will never give a high interest, when it can borrow at a lower: redeemable sums will therefore be always paid off or reduced, whenever the rate of interest falls; those which the bank has advanced from time to time have been thus reduced as occasions have offered; and the greatest reduction ever made on their funds was in 1717, when when no renewal of their charter was in contemplation; but their original capital and the additions which have been made to it, are irredeemable during the continuance of their term; and this is the real and the only reason that no reduction thereon has ever taken place, except when the expiration of their term was in view; and then the Bank have constantly chosen to ad-

vance a sum of money, not as a consideration for the renewal of their charter, but in order only to have the same annuity continued to them. In 1764, there was no room for such an operation; the interest of money was risen since 1742. The stocks were at a much greater discount; and the public credit and finances were in every respect in a far worse situation; yet the public availed itself more of this than it ever had of any former transaction of the same kind: indeed there is not an instance of any state at any time receiving such assistance from a corporation, as this country received from the bank within little more than a twelvemonth: credit both public and private owes its existence in a great measure to their efforts upon the event of the bankruptcies abroad; were the whole of that affair examined in all circumstances, the greatness of the occasion, the imminence of the danger, the extent of the demand, the readiness of the supply, and the rapidity of the proceeding; the powers which were called forth, and the spirit, the steadiness, and the wisdom with which they were directed; the completion of the success, and the importance of the consequences, all considered together, this must appear the most momentous and most illustrious money operation that Europe ever was witness to: the bank hardly recovered from the agitation, the convulsion of so violent a struggle, entered into a treaty for the renewal of their charter: at that time the unfunded debt was large, the interest paid upon it was heavy, and the rate of it high; and the quantity of paper circulation had depreciated the value of the best: each of these circumstances of oppression upon credit, the conditions of the renewal tended to alleviate; for on the prolongation of their term for twenty-one years, the bank agreed, not merely to lend a sum of money at the usual rate of interest irredeemable, which was all that had been done before; but absolutely to pay 110,000l.



to be disposed of by parliament, without allowance for interest, or repayment of principal: they also undertook to advance 1,000,000*l.* upon exchequer bills at only three per cent. and not demandable in two years, though exchequer bills bearing four per cent. interest were at a discount: they afterwards took the lead in the further reduction of interest upon loans to the government, by bringing down to three per cent. the second million upon the land-tax; and in the midst of all these disbursements and defalcations, they proved their ability, and raised their own and the public credit, by declaring an advance of half per cent. upon their dividends. A bare enumeration of these facts, shews at the same time their zeal for the public service, and the extent of their powers, the weight of their influence, and the prudence of their management.

The sum paid by the Bank, considerable as it is, is still the least of the gross sums of which the public availed itself, during the same administration. The army savings greatly exceed it; for of these 163,558*l.* 3*s.* 3*d.* 9-11*th* were applied in the ways and means for 1764, and 251,740*l.* 2*s.* 7*d.* 3-4*th* in those of 1765, amounting together to 415,298*l.* 5*s.* 11*d.* 25-44*th*, and consisting of a variety of articles, such as money voted but not all expended, the produce arising from the sale of stores, balances due from those to whom too much had been issued, and other sums produced from the settlement of accounts; but there was another saving which was laid before parliament separately from the rest, and which could not be recovered but by a long and minute retrospective examination of the state of all the regiments in the service, as to the deficiencies of effectives in each; it was however undertaken, and by the diligence and accuracy with which it was made, a further sum of 170,906*l.* 2*s.* 8*d.* was produced on the non-effective accounts in the ways and means for 1764.

In 1765, the composition with France for the subsistence of prisoners was laid before parliament; the expences incurred on the account of those taken at sea amounted to 1,174,505*l*. but by the express stipulation of the treaty, payment could be claimed only of the advances for subsistence and maintenance: other disbursements for providing accommodations, for repairing prisons, for the pay of guards, allowances to agents, charges of office, and a number of different contingencies, which were all included in the above-mentioned sum, and amounted to more than 120,000*l*. could on no pretence be charged; and then the crown of France had a counter-demand on account of English prisoners, not far short of 110,000*l*. even after a like defalcation for extraordinaries. These deductions being made, the remainder was indeed for the subsistence and maintainance of prisoners; but amongst them were many women, merchants, passengers, and others, some of whom certainly were not, and of some it was doubtful whether they were to be deemed, prisoners of war: of those who indisputably were so, several had been carried into distant ports, and dispersed through every part of the British dominions; and yet evidence must have been given of the day when the subsistence of every individual commenced, and when it determined, by death, escape, exchange, or release: the materials required by the treaty to support which charge are receipts, attested accounts, and other authentic titles, and these must have been transmitted from all quarters of the globe, and would often have been irregular, indistinct, and defective. To attempt only to liquidate such an account seemed to be losing time: to accomplish it appeared impossible; and in the progress of it some errors and frauds would have been detected, several questions would have arisen, many vouchers would have been wanting, and great abatements must have been allowed: to prevent therefore an

an endless expence, dispute, and delay, it was proposed to pay a gross sum in full of all these demands; and after a long negotiation, 670,000*l.* was at last allowed to be, as nearly as could be calculated, the just amount of them. The accounts however of the prisoners in the East-Indies not having been delivered in, and those in Germany being upon a different footing, were neither of them included, but left to be adjusted hereafter; and in the mean while the sum above-mentioned was accepted for the rest, payable by instalments, viz. 308,000*l.* in 1765, and the remainder by quarterly payments in the two subsequent years. This 308,000*l.* was taken as part of the ways and means for 1765, and being added to those which have been mentioned, the state of the gross sums applied to the public service in the ways and means for the period now before us, is as follows:

* Produce of French prizes taken before the war	670,500
On the renewal of the bank charter	110,000
Army savings	415,298 5 11 $\frac{1}{2}$
Savings on the non-effective accounts	170,906 2 8
Part of the composition for the French prisoners	308,000
	<hr/>
	1,766,704 8 7 $\frac{1}{2}$

These are all which can strictly be called gross sums, though there have been others applied which are not

\* As I am now making up an account of the ways and means, the reason has been already given for putting the French prizes at the sum at which they were computed, rather than at that which they actually produced: the deficiency must not be added to the supply of one year, and deducted from the ways and means of the preceding: but in fact the real produce appears upon the account to be no more than 723,758*l.* 6*s.* 10*d.* and that is not all received.



parts of the ordinary revenue, such as the exchequer bills issued to the amount of 1,800,000*l.* in 1764, and of 800,000*l.* in 1765, concerning which there is no occasion here to make any addition to what has been said already. The militia money which in the ways and means for 1764 was 150,000*l.* and in those of 1765 was 80,000*l.* and which is in reality no more than a matter of account: money being appropriated for that service every year, and the receivers of the land-tax being also every year directed to pay the expence in their respective counties; by which means the deficiency of the land-tax is encreased, and the appropriated money remains unapplied: there was also another small sum brought to account in 1764, as the surplus of the additional beer duty of 1761; before it was carried to the sinking fund, amounting only to 349*l.* 9*s.* 9*d.*

The ordinary revenues are first the annual land and malt, which I must set down each year at 2,750,000*l.* for which they were given, as the deficiency is carried to account in the supply. Then the American revenues, and the duty upon gum Senega, both of which I shall consider more at large hereafter, and here only mention them as given in the ways and means for 1765, the former for 60,000*l.* and the latter for 12,000*l.* and lastly the sinking fund, which was given in 1764 for 2,000,000*l.* and which after all the alarm which had been raised of its falling short by above 400,000*l.* did actually produce 135,213*l.* 5*s.* 0*d.*  $\frac{3}{4}$  more than it was given for: and instead of 220,000*l.* which it was said was all that would be applicable out of the public revenue of that year towards the discharge of the debt, 1,254,682*l.* 2*s.* 6*d.*  $\frac{3}{4}$  was in fact applied out of the sinking fund for that purpose, in addition to what was paid off by means of the gross sums then brought to account. The surplus was moreover exclusive of 67,821*l.* 9*s.* 1*d.*  $\frac{1}{2}$  applied to make good so much as the

the

the sinking fund of 1763 had fallen short of the 2,000,000*l.* for which it was given; but though this sum be thus taken out of the disposable money, yet having been supplied by the sinking fund of 1764, it is equally a part of its produce with the 2,000,000*l.* and the 135,213*l.* 5*s.* 0*d.*  $\frac{1}{4}$ ; and these three sums being added together, the real amount of the revenue arisen by the sinking fund between 10th October 1763, and 10th October 1764, after having paid all the charges upon it, whether permanent, temporary, or occasioned by its being a collateral security, which were incurred during the same period, was 2,203,034*l.* 14*s.* 1*d.*  $\frac{1}{4}$ . The overplus of 135,213*l.* 5*s.* 0*d.*  $\frac{1}{4}$  which remained for the disposition of parliament was applied in the ways and means for 1765, and on the encouragement given by so large a produce, upon which there was a prospect of a further encrease in consequence of the regulations made for improving the revenue, the sinking fund was also taken for 2,100,000*l.* \*. But though

\* The sinking fund being made up in October had an accidental advantage in 1765, by the beer duty having been carried to it at Christmas, 1764, as thereby three quarters produce of that duty were received, while but half a year's charge upon it was borne, the annuities being payable at Midsummer and Christmas: the quarterly payment of those annuities being 124,000*l.* so much must be allowed out of the actual produce of the sinking fund in 1765, when considered as the measure of the produce to be expected in subsequent years: but even after deducting 124,000*l.* from 2,203,000*l.* the remainder falls so little short of 2,100,000*l.* that it is hardly worth mentioning, and the improving state of the sinking fund was more than a balance against 21,000*l.* which was all that even on this calculation would be wanting. Nor was the surplus upon the confidence of which so much was taken, collusive, on account of a deficiency to be expected in the Christmas quarter: such a deficiency was not peculiar to that year, and if the account were fallacious then, every other which has been made up for some years has been so too; but the fact is no more than this: the last balance of the sinking fund being always struck on 10th October, the Christmas quarter thereby becomes

though there was little room to doubt of its actually producing more, yet it was not supposed that the disposable money on the ensuing 10th October would be so much, because the purchase money of the Isle of Man which was 70,000*l.* being payable out of the customs, fell upon the sinking fund; and another occasional burthen of 205,246*l.* 5*s.* was also laid immediately upon it, by means of the act passed in 1765 for remedying the inconveniencies which were occasioned by the Christmas quarter of the sinking fund being always deficient: as the deficiency arose from the charge upon the quarter exceeding the produce, that charge was reduced by altering the pay-days of the four per cent. consolidated annuities from 5th January and 5th July, to the 5th April and 10th October, by

becomes the first quarter of the yearly account; and used to be always deficient; that therefore the annuitants charged upon it might not be disappointed, a sum was constantly reserved sufficient to answer their demands; but that sum was only borrowed for a short time, and was regularly repaid to the sinking fund of the preceding year. Agreeably to this practice, when the account for 1763 was made up on 10th October that year, the usual deficiency was foreseen, and provision was made accordingly; not by a deduction from that account, but by retaining unissued some part of the money therein set down as disposable surplus, and which was applicable finally to the services of that year. The sum wanting on 5th January 1764, was 128,684*l.* 17*s.* 8*d.*  $\frac{1}{2}$  which was then furnished out of this reserved money: but it was replaced out of the produce of the following April quarter in 1764, and paid in to the account of the sinking fund for 1763, in discharge of the temporary loan out of its produce, and not like the 67,821*l.* 9*s.* 1*d.*  $\frac{1}{2}$  which was an actual deficiency of that produce; so that the sinking fund of 1764, in the end supplied the deficiency of its own Christmas quarter, and the surplus of it arose after all the charges of four quarters from 10th October, 1763, to 10th October, 1764, had been borne: it would be a singular objection to a yearly account, that it did not include five quarters; and yet the fallacy imputed to this surplus was, that part of the charge of a fifth quarter was not laid upon it; but all the difficulties which attended this necessary management are now removed by the act referred to in the text above.

which



which regulation the Christmas quarter is relieved from a burthen of 410,492l. 10s. which it was not equal to, and that burthen is transferred to a quarter which it will not oppress: the former perplexity is avoided; the danger of not reserving sufficient to make good a deficiency, which depending on a casual produce could never be previously ascertained exactly, is prevented; the issue of the public money is more equally distributed to the several parts of the year; and the inconveniencies arising from the books of the bank being kept so much longer shut at the Christmas and Midsummer quarters than at the others, are taken away: in order to accomplish the alteration without prejudice to the parties concerned, the act directed that one quarterly payment should be advanced in October 1765, and that afterwards the half-yearly payment should be made in October and April; by which means the sinking fund of 1765 was charged with five quarters of these annuities, viz. two on 5th January and two on 5th July, according to the former method of paying them, and one on 10th October in order to introduce the new regulation: each quarter of these annuities amounts to 205,246l. 5s. and both that sum and the 70,000l. given for the purchase of the Isle of Man, are accidental charges on the sinking fund of 1765, which no former year has borne, nor subsequent year will bear; and which must always be attended to in judging of the surplus of that year: they were foreseen, and it was therefore declared that the 2,100,000l. would hardly be raised before Christmas, 1765; but as the navy annuities were not to be paid off till then, the waiting for the produce of that quarter to make up the sum, could be attended with no inconvenience.

To the several sums and revenues which have been mentioned, the loan of 1,500,000l. which was made in 1765, and of which sufficient has been said already, must be added, in order to compleat the ways and means

means for the two last years, and then the account of them stands thus :

	£.	s.	d.
Gross sums applied	-	-	1,766,704 8 7
Exchequer bills 1764	-	-	1,800,000
Ditto 1765	-	-	800,000
Militia money 1764	-	-	150,000
Ditto 1765	-	-	80,000
Surplus of annuity fund 1761	-	-	3,497 9 9
Land and malt for two years	-	-	5,500,000
American revenues	-	-	60,000
Duty on gum Senega	-	-	12,000
Sinking fund 1764 given for	-	-	2,000,000
Surplus of sinking fund 1764 above the 2,000,000l.	-	-	135,213 5 0
Sinking fund 1765 given for	-	-	2,100,000
Annuities and lottery in lieu of na- vy bills	-	-	1,500,000
<hr/>			
Total	15,907,415	3	4

The whole both of the supplies and of the ways and means for the years 1764 and 1765 being now stated, some estimate may from thence be formed of what each on the same plan would in subsequent years have amounted to ; in doing this I will take the latter of those years as the best measure to go by, because the least affected by the consequences of the war ; and I must first deduct from the supplies all the charges which do not belong to a peace establishment, such as debt paid off or provided for, exchequer bills which are debt continued, and of the miscellaneous articles, London bridge, the blockhouse near cape Appolonia, and the money given to replace payments out of the civil list, all which were occasional expences now at an end ; on the other hand, an addition must be made to the expence of the militia, which though charged at no more than 80,000l. for either of the two years,

yet

yet being estimated at 150,000*l.* in a cloathing year, must be stated on an average at about 100,000*l.* *per ann.* and there are also to be added the deficiencies of funds, and the extraordinaries of the army, navy, and ordnance, which though debts when brought to account, yet as they will annually occur, must be included in an estimate of the annual expence.

In the deficiencies of funds I include all sums paid out of the sinking fund as a collateral or temporary security, which are to be made good by parliament, and are a debt incurred every year to be paid out of the supplies of the next; these were in 1765;

	£.	s.	d.
Deficiency of annuity fund 1758	48176	1	11½
Deficiency of annuity fund 1763	49742	1	2½
Navy annuities	139342	2	4
	<hr/>		
	237260	5	6

but 34,835*l.* 10*s.* 7¼ navy annuities having been saved by paying off 870,888*l.* 6*s.* 5d.½ of the principal in 1765 the deficiency of funds was thereby reduced to about 202,400*l.*

As to the extraordinaries which may be annually incurred before they are provided for, those which have been brought to account, consisting principally of debts contracted by the war, afford no assistance in estimating such as may be expected in a time of peace; some there always will be for services which could not be foreseen; but others have been frequently laid before parliament in accounts of debt rather than in estimates, only as the less questionable shape. It is a more open, a more manly proceeding to state things as they are; and previously to provide for services which will certainly occur: This was the conduct of the former administration; and the estimates are thereby raised, but the exceedings will be so much lower.

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The navy during the late peace annually contracted a debt of about 100,000*l.* but it appears from the papers laid before parliament in 1752 and 1754, assigning reasons for the encrease, that a great part of it arose from too precipitate a reduction of seamen, from too scanty a provision for rebuildings, and from arrears of the war. I allow in another place for such arrears, and therefore cannot include them here. The rebuildings and repairs are a heavy article immediately after a war; but when the navy has been once put into thorough repair, the regular expence might certainly be brought within 200,000*l.* which was allowed for it in 1765; the ordinary on the establishment of that year, was near a third higher than it used to be; the number of seamen almost double; (for during the last peace they never exceeded 10,000, and were one year reduced to 8000 men,) and the four pounds per man per month, which is voted for them, furnishes a larger sum for extraordinaries than the additional expence will require; so that though the services be more extensive, yet as the provisions made for them have been encreased in a greater proportion, it may reasonably be expected that a navy debt should not be annually incurred, when the consequences of the war are satisfied.

The extraordinaries of the army in the late peace when quite clear both of the consequences and the preparations of war, were hardly 25,000*l.* per ann. Those incurred in England must be nearly the same as they were: Those in Scotland should be much less, the expence of making surveys and roads in the Highlands being ended, or drawing to an end: The charge of provisions for Gibraltar and Minorca, part of which always came into the account of extraordinaries, is diminished, by the reductions made by the treasury in 1764 in the prices of all contracts: And the difference between British and Irish pay, which used to be inserted in that account, is now included in the estimates

mates. These several articles amounted to above two thirds of the whole; and so much therefore the exceedings on the services above-mentioned ought to be diminished; but in America they must be encreased: That service is not only more extensive than formerly, but some parts of it cannot yet be thoroughly understood; and therefore the extraordinaries cannot be calculated: Two principal articles, however, by which they are generally incurred, the garrisons and the provisions, were amply provided for on the estimates laid before Parliament in 1765: Were I to reckon the others which if that country had continued as it was, might have arisen, at 16,000l. or 18,000l. more than they have commonly been in times of tranquility, it would seem a great allowance; and yet even allowing so much, the extraordinaries of the army would not upon the whole exceed the sum they amounted to during the last peace.

The business of the ordnance is of such a nature that the extraordinaries can be foreseen and computed with greater certainty than any other: They are comprehended in the estimates, and those incurred and not provided for in time of peace seldom exceed 5000l. or 6000l. The American expence, however, not being yet known, the exceedings may for some time be rather more, but as all the new establishments there were included in the estimate for 1765, and the ceded countries were at the same time very largely supplied with stores, I believe 10,000l. may be an ample allowance.

Upon these premises the peace establishment upon the plan adopted in 1764 and 1765 may be calculated in the following manner:

	£.
Navy	1,450,900
Army	1,268,500
Ordnance	174,600
	<hr/>
Carried over	2,894,000
Brought	

Brought over	£ 2,894,000
The four American governments	19,200
General surveys in America	1,600
Foundling hospital	38,000
To the African committee	13,000
For the civil establishment on the coast of Africa	5,500
Militia	100,000
Deficiency of land and malt	300,000
Deficiencies of funds	202,400
Extraordinaries of the army and ordnance	35,000
Total	3,609,700

The ways and means for supporting this expence may be computed in the same manner, by omitting the occasional articles, such as the gross sums, the exchequer bills, the surplus of the annuity fund 1761, the surplus of the sinking fund 1764, and the loan; and on the other hand reckoning the militia money at the same average as in the above estimate, and the American revenues including both the stamp and the impost duties not at the sum for which they were given, which was the supposed produce for only part of a year, but at 160,000l. for a whole year, and then the calculation will be as follows:

	£.
Land and malt	2,750,000
Militia money	100,000
American revenues	160,000
Duty on gum Senega	12,000
Sinking fund	2,100,000
Total	5,122,000

These two estimates comprehended every article of permanent expence and annual revenue as each at that time stood; there was indeed another charge, that of interest upon part of the remaining undfunded debt, till it should be paid off; none bore interest except the



the navy and exchequer bills: the navy bills left unprovided for in the supplies for 1765, amounted to 471,589l. 5s. 8d $\frac{1}{2}$ . the interest upon which at four per cent. is 17,863l. 12s. 5d. \*. The exchequer bills being issued at different periods as occasions require, some early and some late in the year, the interest thereon cannot be precisely ascertained, but nine months upon the whole, is, I imagine, a fair allowance: which at three per cent. on 1,800,000l. amounts to 40,500l. and being added to the above-mentioned sum on navy bills, the whole interest on the unfounded debt brought to account, and left unprovided for at the end of the period which is my present subject, was about 58,000l. per ann. this was indeed a charge, but it was temporary, and it might be paid by other means than the ordinary revenue: there were several large gross sums still to come in; above 360,000l. remained of the composition money for French prisoners, the first sale of lands in the Neutral Islands has produced near 130,000l. these together amount to almost half a million; and a payment of 58,000l. per ann. till all the unfounded debt bearing interest shall be discharged, will consume but a small proportion of such a sum: the greater part of it may be applied in diminution of the principal; nor was this all that was so applicable; there were demands for the subsistence of French prisoners not comprehended in the composition: there has been but one sale in the Neutral Islands, and though some of the most valuable lands are sold, yet the quantity is inconsiderable, and some hundred thousand acres still remain undisposed of. Other parts of the new acquisitions (if the example were followed) would find purchasers; and various branches admit of savings like those which have been mentioned in the army ac-

\* From this small deduction must be allowed for non-interest bills, and for the interest upon the others, which in the account is added to the principal.

counts: half a million more might thus I am persuaded be easily raised, by only acting on a plan already formed, pursuing enquiries which have been begun, and directing them towards objects distinctly pointed out; and when all these means are considered, the unfunded debt left unprovided for in 1765, appears no longer formidable; though it stood upon the account at near 4,400,000*l.* yet as there will always be a navy debt which cannot be paid off to the amount probably of 1,400,000*l.* about 3,000,000*l.* was sufficient to provide for all that had been brought before parliament; and a sinking fund of 1,500,000*l.* applicable to that purpose, (for so much the ordinary revenues appear by the above estimates to have exceeded the annual expences,) aided by such gross sums as might be produced, would in a short time furnish the means of discharging it, supposing the peace establishment and the national income to continue as they then were; but both are constantly subject to great alterations: every year will produce some; and as many which must be very considerable were near in prospect, and certain, unless a change of measures interfered to prevent them, it is necessary to take these also into consideration.

The navy is liable to the least, for excepting the small sum of 5000*l.* for a lazaret which will fall in of course, I do not see any reduction which can be depended on: the provision for rebuildings and repairs was indeed very liberal, though it has been since though too scanty; but in the former peace (after the first charge had been defrayed) no more than 100,000*l.* was ever granted, and even that sum not constantly: the whole that was given in 1752, 1753, and 1754, amounted only to 200,000*l.* so that on the establishment of 1764 and 1765, there was as much allowed in one year as had been before given in three; the navy is larger than it was, and it ought to be kept on the most respectable footing; but surely such an encrease must be sufficient,

sufficient, without incurring any debt, to answer all reasonable purposes whatsoever.

The estimates of the army were open to greater reductions; for the victualling of the regiments in the plantations, amounting for those in North America to 22,242l. 3s. 9d. and for those in the ceded islands to 9,752l. 6s. 10½d. could not have continued to such an extent as constant charges on the British establishment, even if that country had remained in the situation it then was. When the stations of the several corps on the continent should have been fixed, the number of out-posts perhaps contracted, the back settlements extended, the new acquisitions improved, and security established against further interruptions and disturbances, many of the troops might have furnished themselves out of their pay with greater plenty than all the expence of victualling could give them; and as soon as the ceded islands shall be tolerably well planted, they will not desire to be exempted from a burthen which is chearfully borne by others, of allowing an additional pay to the troops employed in their defence, and then a supply from hence will be as necessary there as it is now in Antigua or Jamaica. But besides this, a further experience of the service must point out other savings: some were made in 1764, such as a real instead of only an apparent deduction from the pay of the men victualled in North America, and putting a stop to the practice of supplying the provincials with provisions at the expence of Great Britain; an equal attention to public œconomy would certainly discover more in a service so new, so extensive, and so open to abuses; and it might therefore be fairly presumed, that within a year or two this expence would have been considerably abated, and full half of it perhaps taken off in four or five years; but these are considerations which I mention now only to shew the state of the service at that time: I shall hereafter



observe upon the difference between that time and the present, in this as in every other circumstance relating to the colonies.

As to the ordnance, every war leaves some particular business for that office to perform; either a weak part has been discovered, which the enterprizes of our enemies warn us to strengthen, or some conquest which has been made requires fortifications to preserve it: at the end of Queen Anne's war it was Gibraltar and Minorca: in 1748, it was Scotland and Nova Scotia: it is now the ceded countries in America. Such a service therefore is not peculiar to this period; every other peace has been charged with some which were similar, and which being now determined or diminished, make room for the present expence: this too like them will gradually lessen, it is probably of a shorter duration than they were; for the new colonies will certainly be as willing as the old colonies are, when they shall be as able, to maintain their own fortifications: other extraordinary service are in the mean while drawing towards a conclusion, and the savings upon the whole may perhaps amount in a short time to 10,000l. or 15,000l. per ann.

There are besides in each of the services very considerable expence, which are always high after a war, but which depending upon lives and contingencies, must diminish every year; such as the half-pay to officers of the navy, army, and ordnance, Chelsea Hospital, and other pensions and allowances in the estimates for the year 1750, these several articles amounted together to about 219,000l. In the estimates for 1754 they were reduced to about 184,000l. they amounted in 1765 to about 377,000l. and if, supposing them now at the height, they decrease only in the same proportion as they did before, they will not four or five years hence exceed 317,000l. or in other words the peace establishment at the end of that period will be reduced to 60,000l. by the savings on these articles.

ticles. Within the same period the service of surveying America will be at an end; and the expence of the Foundling Hospital, which in consequence of the late regulations decreases annually, will have in a great measure ceased: the deficiencies of funds too must be diminished; for both the annuity fund 1763, and the navy annuities being four per cents. redeemable, the least that can be thought of is that they will be reduced to three: the saving thereby will be above 60,000l. per ann. it may reasonably be expected besides that a great part of the navy annuities may be paid off; and at the time I am now considering there were no thoughts of repealing the cyder tax, which was so considerable a part of the annuity fund 1763; on the contrary the prospect then was that it would produce on an average 15,000l. or 20,000l. more than it did in the remarkably deficient year, which alone had then been brought to account; with an addition therefore to the produce, and a diminution of the charge upon that fund, it would rather have yielded an overplus than have incurred a deficiency, and the whole article of deficiencies of funds would probably have been less by one half in the space of five years.

These several savings being collected together the state of them is as follows:

In the navy	5000
In the army	16000
In the ordnance	10000
In the half-pay Chelsea Hospital, &c. &c.	60000
In the surveys of America	1600
In the Foundling Hospital	38000
In the deficiencies of funds	100000
<b>Total</b>	<b>230000</b>

Most of these articles I am sensible I have underrated: there were also other reductions likely to take

place, but which not being equally sure, I have not mentioned; and of these some of the most considerable must be constantly encreasing: But by these alone thus estimated, there was almost a certainty, that the peace expences on the plan then established, would in five years have been brought to about 3,380,000 *per ann.* and that more than half of this reduction would have been made in two years.

By means of such and other savings in the expediture, and of the improvements which I shall presently mention in the revenues, an opening was made for a reduction of the land-tax: The landed interest could not desire such a relief, while a vast unfunded debt pressed down public credit, clogged all the measures of government, and absorbed every resource of revenue: But that debt being brought within compass, the annual charges diminished, and further reductions immediately in view: When these should have taken place on the one hand; and when on the other hand, the laws passed for encreasing the several branches of the revenue, and for engaging all British subjects to contribute to the support of their country, should have had their effect; a shilling in the pound at first, and afterwards, perhaps, more might have been taken off, and as so much had been done to facilitate such a reduction, it was become no distant object.

It would be rashness to speak very decisively of the other principal branch of annual revenue, the sinking fund, composed as it is of so vast a variety of parts, all of them in their nature fluctuating; but yet by computing what it has amounted to on an average for some years back, and considering their circumstances which may affect it hereafter, some though no absolutely certain judgment may be formed, and I think the conclusion will be that on these considerations only there is the greatest probability



bility of its producing generally for the future more than it was given for in 1765. But I will not for the present include that year in my calculation, because I wish to keep the two periods in which the revenue has been under different administrations, as distinct as possible, and the produce of that year was brought to account, during the latter of the two. In speaking of the sinking fund I shall consider it, according to the true simple idea of it, as consisting of certain duties which have been carried to it, and of the interest of debts charged upon those duties: The excess of the duties above the interest constitute the surplus, or as it is sometimes called the produce of the sinking fund; other disbursements which may be paid out of it, in consequence of its being a collateral or a temporary security, are not properly charges upon it; they are always conditioned to be made good out of the first aids granted by parliament, and are therefore no more than occasional sums, advanced one year, and replaced out of the supplies of the next: But the sinking fund being still so much in advance, care must always be taken in casting up its produce for any given term, to deduct from the first year of that term the money then brought from the supplies, and to add to the last the amount of the deficiencies paid out of it that year, in order to come at the true total of the genuine sinking fund. This being premised, the annual surplus papers furnish sufficient materials for making up such an account, and in them the produce for the seven years, previous to 1765, is stated as follows:

	£.	s.	d.
For the year 1758	1924900	9	10
1759	1689097	2	2½
1760	2411072	0	0½
1761	2296801	5	1½
1762	1922312	3	8½
1763	1984244	3	6½
1764	2203034	14	1½
Total	14431461	19	6½

To which is to be added the deficiencies paid out of the sinking fund in the last of these years, to be replaced out of subsequent aids amounting to 237,260l. nothing was brought from the supplies in the first year of the above period, and therefore no deduction is to be made on that account; but on others there are many; for all adventitious accessions must be taken out of a general average: and these have been, the overplus unapplied of the sinking fund 1757, the sum accidentally arising from the land-tax 1758, the duties on spirits before they were appropriated, and one quarter's charge on the beer duty in 1764, the sinking fund having received so much more of the produce of that duty than it bore of the charge upon it: These several sums together amount to 839,219l. and these additions and deductions being made the whole state of the sinking fund stands thus:

Surplus in seven years	14431461
Add deficiencies 1763	237260
	<hr/>
	14668721
Deduct adventitious accessions	839219
	<hr/>
	13829502
	<hr/>
Average surplus each year	1975643

But though this term be the best that can be taken for such a calculation, as comprehending in the latter years of it at least more of the constituent parts of the present sinking fund than any other, the average upon it is still a very imperfect measure; and that upon as many subsequent years will without doubt be greater; The above period was for the most part time of war: and there are few funds which do not generally yield more in time of peace; those of excise, the most important

portant branch of any, particularly do, unless accidentally affected by seasons; an annual improvement at all times arises from the falling in of life annuities; those subsisting at the close of the year 1764, amounted to near 100,000*l. per ann.* and a third of them were created during the war: So that the yearly saving on that head will be greater than it used to be in the former peace; some besides of the most lucrative accessions to the sinking fund have been carried to it so lately, that the former years of the above period had no advantage from them: The beer duty upon which the surplus is near 30,000*l. per ann.* was not incorporated till 1764, and of the regulations made during the administration in 1764 and 1765 in almost every branch of the revenue, some indeed had taken place in the last year of the above-mentioned term, and whatever the operation of them was, it will continue: others, however, had not then commenced; that known one for instance in the post office, by the restrictions put upon franking, and by the falling in of the cross post on the death of Mr. Allen, which together were estimated at 62,000*l. per ann.* was not brought to account till the last quarter of 1764, and many can hardly yet have had their full effect: No precise judgment can be formed of the civil list revenues, which have been incorporated about half of the above-mentioned term; but though their future produce cannot be calculated with exactness, yet the fact of their having produced, even on so disadvantageous an average as of the whole reign, much more than the 800,000*l.* which were given in lieu of them, fully confutes all the endeavours which have been used to depreciate his majesty's munificence: The advantage accruing from thence to the public is still more apparent on the fairer average of the three years of peace we have enjoyed; and in the last year the surplus was about 200,000*l.* The accessions to the post office indeed come into that account, and whether the



the regulation of franking would have taken place unless for the benefit of the public, may be a question; but even deducting these, the incorporation is still a noble addition to the sinking fund, and it will hardly be less than it is now: On the contrary, these revenues will in common with others continue to encrease, unless new measures interpose to thwart those which were taken for the improvement of almost every branch of revenue: What the amount of all those improvements may be, does not admit of a calculation; it is not even within the reach of conjecture; but that it must be very considerable is evident from their number and from their importance: To state them only is to prove it: and that proof I shall endeavour to give, without pretending to separate those which in 1764 had begun, from those which were still to begin; or such as immediately from such as ultimately affect the sinking fund; but consider them all as improvements of the revenue in general,

In the customs, not only regulations were introduced into particular branches, but general precautions were taken for the prevention of those illicit practices, which are equally destructive both to trade and revenue; Not that they can ever be totally suppressed; but they may be and they have been very much checked, by exerting the powers given by the law for that purpose, by visiting and examining into the state of every port in the kingdom, by exciting an extraordinary vigilance and alertness in the officers, and by adding to the sea guard which before subsisted, all the aid which an enlarged marine establishment could supply: The occasion was indeed more urgent than ever; for our power and our taxes have encreased together; a greater and more active force is therefore requisite to maintain the one; a more steady, a more vigorous execution of the laws is necessary for collecting the other, Accumulation of duties

ties is always a new inducement to smuggling: Cruisers are undoubtedly of use in restraining it; and to multiply their numbers must encrease the hazards, the losses, and expences of smuggling: But all their effects can never be exactly ascertained; for the employing of smuggling cutters is a preventive measure: They are intended to deter, to disappoint, to delay, as well as to seize; and therefore to judge of them only by the captures they make, is to consider but a part of their utility: Those in the pay of the custom-house, if tried by this test, would hardly be found to answer; and yet to leave the whole sea open to smugglers, that they may there hover unobserved, watch their opportunities without molestation, and carry on their traffic without danger, is a preposterous idea; if it was right at all times to have some, it must be right to have more cruisers on this service now that the profits of a clandestine trade, are, by means of the additional duties, greater than they were; and should it only appear that though the temptation be so much the stronger, yet the practice is not encreased in proportion, that circumstance alone would prove the efficacy of this and the other measures which were taken to obstruct it: The additional number I have already observed, are furnished more easily by the navy than they could be by any other means; and it is no derogation from their service, that more captures have been made afloat by the officers of the customs than by those of the crown: Whatever is taken whether by boats or by cutters, and whether in harbours, in rivers, or on the sea, is seized afloat: But the operation of the navy cutters is chiefly on the sea, and the fair parallel therefore would be between the custom-house cutters only and those of the navy, in proportion to their numbers.

Several similar and some new regulations were made for the same purpose with respect to America: The object was more important there; for the evil was  
greater,

greater, and the consequences of it more pernicious, as tending to break the connexion between the mother country and the colonies ; but less care had been taken of that department than of any other : The first step was to establish an effectual sea guard, which was more wanted than it is here, because the difficulty is greater to secure such a vast coast, full of little creeks and landing-places, imperfectly explored, little frequented, and not all attended to : But by enlarging the operation of the cruisers, extending the hovering acts to the colonies, and preventing the easy communication of smuggled goods from one province to another, some remedy was applied to the evil. All intercourse with St. Pierre and Miquelon, was at the same time prohibited, and the practice of clearing out for the plantations a small proportion of a cargo in the ports of this kingdom, with a view to run in the rest there, was totally put an end to. By these and many other regulations, which it would be tedious to enumerate, some check will (if they are duly carried into execution,) be certainly given to the illegal and dangerous commerce which has so long and so shamefully prevailed in the colonies : The great motives for suppressing it are considerations of trade, which I shall enter into more fully hereafter : At present I mention these restrictions only as the means of improving the revenue at home, by adding to it the duties retained on such commodities, as are thereby driven back into their natural channel through this country, instead of being imported into the colonies either directly from Europe, or from foreign plantations.

As an object of revenue alone, the smuggling from the Isle of Man was a more inveterate evil : The extent of it was grossly apparent ; for the produce of a little barren country, bleak in its climate, and blighted by the spray of the Atlantic ocean ; or the consumption of the natives, few and needy as they were, ignorant  
of



of the luxuries, and content with few of the conveniences, of life, could hardly amount to articles of commerce: But the trade by which the place has been peopled, and the people have been enriched, was calculated for far other purposes: The situation of the island was convenient for smuggling: The peculiar grant of it from the crown, and its exemption from the ordinary process of the courts of Great Britain, defeated in many respects the execution of the laws; and favoured by these circumstances, the traders there provided inconceivable quantities of contraband goods, with which they supplied the western coasts of England and Scotland, from Caithness to Cornwall, and the whole circuit of Ireland: With this view they imported into the island wines, brandies, velvets, and other species of goods from France and Spain: Tea, china, tobacco, sugars, lawns and cambricks from Hamburgh, from Holland, and from Flanders: They roved into the Baltic in quest of a further supply, and brought from Denmark and Sweden all sorts of East-Indian commodities: They procured rum, coffee, and other produce both of our own and of foreign plantations: They brought even in London and entered for exportation the silks forbidden to be worn, and afterwards re-imported them: They received draw-backs, at the British custom-houses on goods which they carried out only to run in again; constantly keeping in store large assortments of prohibited and high-rated commodities, seized every favourable occasion to convey them away, which they never waited for long, as all tempestuous weather was their season; a dark night was an opportunity; and from whatever quarter the wind blew, it drove them to some ready market, filled with their associates and customers: To such a height were these practices arrived, that the loss thereby occasioned to the revenues of Great Britain was computed at 200,000*l.* and to that of Ireland at 100,000*l.* Some check might have been  
given

given by acts of parliament: Their intercourse with foreign countries, and with this might have been restrained; the importation of certain species of goods might have been forbidden; breaches of the law might have been prosecuted in Britain; and offenders against it might have been pursued into their very harbours: But still the grants of jurisdiction and of customs which had been annexed to the lordship, would have always obstructed the effect of such laws; under their shelter open warehouses of contraband goods might have been freely kept, and criminals would have found an asylum; that mischief could be effectually cured only by purchasing such of the rights of the lord as interfered with the authority of the crown over the inhabitants of the island: A contract was therefore made in 1764 for that purpose, and the isle, the regalities, franchises, and sea ports, were annexed to the crown, on payment of 70,000*l.* a price certainly not extravagant, if the produce only of the customs there, which amount to between five and six thousand pounds per ann. and are included in the conveyance, be considered: So much of them as arose from an importation which was strictly legal were alone worth so large a proportion of the sum given, that the remainder is not too liberal a composition for the distinguishing privileges, which a noble family were by this sale deprived of: All the lustre however of the possession which could be, has been preserved to them; besides their landed interest and manerial rights, the splendid patronage of a bishoprick, and the honorary service at the coronation, still continue to grace their patrimony; and his majesty has been pleased to add to the present Duke and Duchess of Athol a pension upon Ireland, the revenues of which country are justly charged with a part of the expence incurred by a transaction, the benefit of which they will so largely share share. The purchase being thus compleated, provisions were made for the due improvement

provement of it, by enforcing the act of 7th George I. which condemns all East Indian commodities imported into the Isle of Man, except from Great Britain; by forbidding absolutely the importation even from hence of silks and linens prohibited here; by confining their supply of foreign spirits to the channel through this country only, stopping the exportation of them from thence hither, and laying even their own coasting trade therein under restraints; by extending the hovering acts to the coasts, and all the custom-house laws to the interior of the island; by allowing offences against those laws to be tried in the courts of England, Scotland, or Ireland; by exacting obedience to the process of those courts; and by inflicting severe penalties on the infurers of contraband cargoes; with several other official regulations; on the other hand, in order to supply the inhabitants the loss of their illicit trade by a legal occupation, they are encouraged to prosecute the cultivation of their lands, by permitting them to import into Great Britain their cattle and other produce free of impost duties: They are incited also to apply to manufactures by giving the same bounty on the exportation of their linens, as are given upon the British and the Irish; and lest the smuggling from the Isle of Man should be driven to the Danish islands of Faro, no bounty or drawback is for the future to be allowed on goods entered for those islands, and no goods prohibited here are to be exported thither, which precautions are accompanied with other restrictions, guarded by oaths, and enforced by penalties.

There are but few of the important branches of the customs which will not feel the benefit of this purchase: They will also be sensible to the other provisions, which were at the same time made for their improvement. The operations of the hovering acts, which used to be confined to certain species of goods only, were extended to all that are liable to forfeiture. In order to stop



the practice of suffering for a small consideration the vessel which brought a contraband cargo to escape, a smaller share of the prize was given to the officer who does not secure both, and it is often of more consequence to destroy the means of smuggling than to forfeit the subject of it. Some further methods have also been devised for ascertaining the real value of goods paying duty *ad valorem*, and a check given to the importation of lace, ribbands, and other fine goods of considerable value, but of small dimensions, which the pocket of a coat or the fold of a piece of linen might conceal: In addition to these general regulations, some were made particularly applicable to certain branches of the customs only, such as the importation of tobacco stalks, coffee, spirits, and wine; and the abuses which prevailed with the respect to the bounty upon refined sugars were removed by an alteration in the mode of paying it: By which alteration a saving is made of two shillings in twenty-one on 60,000*l.* per ann. which has been the average amount of those bounties: A further improvement will arise from the frauds by which they used to be obtained being prevented; and yet the refinery continues to receive all the encouragement, which the legislature ever intended to give it.

This and some other of the above-mentioned regulations relate to the customs only: but many of the most important of those which have been stated, will have still greater effects upon the revenue of excise. The inland are higher than the impost duties on several of the principal articles of clandestine importation; and many of those articles greatly interfere also with the consumption of other exciseable commodities: It is of more consequence to the excise than it is to the customs that tea, coffee, brandy, painted calicoes, &c. &c. should be brought to a regular entry, and an increase therefore in that branch also of the revenue arises from the measures taken for the suppression of smuggling

ling: The purchase of the Isle of Man will particularly contribute to it, as the most material branches of the illicit trade there, were peculiarly detrimental to the excise; a practice moreover prevailed there directly levelled at this revenue: A brewery was established in the island; the corn was brought from Great Britain: the bounty on exportation received; it was then made into malt and beer, free in both stages of the manufacture from the duties of the excise; and with these advantages the brewers there could supply the neighbouring coasts and the ships which frequented them with malt liquors, at a much cheaper rate than the British brewers could pretend to do; the consequence was that all vessels trading from the North-Western ports to Africa and America, touched at the Isle of Man for their stores of this kind; but they are now prohibited to take them in there: The commodities themselves are subject on importation into Great Britain to all British duties whatsoever; and the bounty is taken off from the corn exported thither; by which regulations the brewery in the Isle of Man is deprived of the unfair advantages it had over that of Great Britain, and the duties due on the malt and beer so consumed are restored to the excise. This, however, is not the only improvement in the same branch of the revenue: The last duty of 1s. per lb. on coffee having been found to be heavier than the commodity could bear, was last year lowered to six-pence upon foreign coffee, and entirely taken off from that raised in our plantations: Provisions were also made during the same sessions for preventing some frauds in the duties upon hides and parchment; for ascertaining the allowance which had till then been discretionary for soap damaged in the making; for extending to a species of beer brewed in Scotland called two-penny several excise laws, for want of which the act recites that the revenue thereon had been reduced above one half; and for the

better collecting in many respects the duties upon beer starch, candles, tea and coffee, which being merely official regulations, I shall take no further notice of.

The same act contains some provisions relative to the salt duties, for preventing frauds, for securing officers in the discharge of their duty, for extending forfeitures, and for facilitating prosecutions; a minute detail of which I shall not enter into.

The stamp duties also underwent a like revision, and many official regulations were made with respect to those on admissions of freemen, on the binding of apprentices, on advertisements, on ale-licences in England, and on policies of insurance, for which I must again refer to the act which provides them: it contains, however, others of more importance, adapted to remedy enormous abuses: the vast quantities of unstamped cards which were played with was a scandalous infraction of the law; but the new restrictions put upon the making and the sale of cards, render that practice almost impossible for the future. In another article, that of ale-licences in Scotland, the disregard shewn to the stamp acts was very extensive: it was principally owing to the justices neglecting to meet in order to grant licences, and to the incompetency of their jurisdiction over offenders: but both these mischiefs are now removed, by obliging the clerk of the peace to grant licences if the justices do not; and by giving an appeal to the barons of the Exchequer. Besides these improvements, a saving was made in the charges of management, by reducing the allowance to persons buying quantities of stamps to a certain value, from three to two per cent. which difference on so large a quantity as is bought by stationers and others, to sell again, or to use in their business, must be considerable.

The great addition to the produce of the Post-office, by the restrictions upon franking, and by the accession  
of



of the cross post, has been mentioned already; and many other regulations were also made in that department: the practice of sending letters by the common carriers was very detrimental to the business of this office; but the mischief did not extend far from the large towns, and to check the prevalence of it in their neighbourhood, the rates of postage were by an act in 1764, lowered for the two first stages; all other distances are to be exactly ascertained by an actual survey of the roads; and authority is given to the postmaster general to establish Penny Posts in such places as he shall judge proper. These alterations will be so many conveniencies to the inland correspondence and trade; the foreign will enjoy still greater, as the rates to, from, and in the plantations were by the same act reduced; those between Hamburgh and London put upon the same footing as other German postage; and another communication opened with Ireland through Port-Patrick and Donaghadee, which will be always safe and certain: the frequent miscarriages also of letters sent by private ships is remedied, by obliging the captains of such vessels, before they break bulk, to deliver their letters into the post; and allowing them a consideration for their care of them. These greater regulations are accompanied with others which are official, and with several provisions for the regular and safe conveyance of the mails.

It is impossible (as I before observed) to estimate the effect of all the above-mentioned regulations; but if each should produce but a small addition, so many must amount to a greater encrease of the revenue; several of them are, however, themselves considerable; and all concurring with the other measures which were taken for the same end, would in a short time (if they had been steadily pursued,) have established the finances of the kingdom on the most respectable footing; and future operations would have acted with freedom

and efficacy, delivered from the heavy pressure of an unfunded debt, assisted with unusual vigour in every department of the revenue, and strengthened by the great improvements thus made, by additions on the one hand, and savings on the other. The American revenues (though now reduced) were last year an accession estimated at 160,000*l*. The duty on gum senega 12,000*l*. The fund created in 1765 for the payment of navy bills 45,000*l*. The regulation of franking and the cross post 62,000*l*. amounting together to 279,000*l*. which was so much certainly added, exclusive of all that might arise from the incorporation of the civil list revenues, from the purchase of the Isle of Man, from the check given in all parts to whatever was prejudicial to the revenue, from the numerous and important regulations made in every branch of it, and from the great increase both of home consumption and foreign trade, which must be the inevitable consequences of the peace, and of the measures with which it has been followed.

Another large fund was at the same time growing out of reductions in the establishment, and continual savings of interest; of the former sufficient has been said already; the latter also have been all of them occasionally mentioned; and being collected together, the account of interest saved within the period of two years stands thus:

	l.	s.	d.
Four per cent. on 650,000 navy bills paid off	-	-	26000
One per cent. on 1,500,000 navy bills provided for	-	-	15000
Four per cent. on 870,888 5 5½ navy annuities paid off	-	-	34835 10 7½
* One per cent. 1,800,000 Exchequer bills for nine months	-	-	13500
Carried over	89335	10	7½

\* I put down the interest on Exchequer bills at nine months, to allow for the different times of issuing them, which are uncertain, but the allowance must be larger on 1,800,000*l*. than it would be on

	l.	s.	d.
Brought over	89335	10	7 $\frac{1}{4}$
One per cent. on 2,750,000 loan on land and malt for 1 $\frac{1}{2}$ year	-	41250	
	<hr/>		
	130585	10	7 $\frac{1}{4}$

Which sum being added to the improvements arising from accessions to the revenue, which (as appears above) amount to 279,000*l.* the actual encrease of disposable income during the years 1764 and 1765, appears to be little less than 410,000*l.* exclusive of all that may arise from those measures the effects of which cannot be ascertained; and exclusive of all reductions which have not actually taken place, though ever so certain; and all these improvements were made with the assistance of a small loan, on easy terms, at a time when it was attended with no inconvenience; the event having proved that there was no necessity for that larger loan, which was so clamourously called for.

It is true that the revenue would thereby have been raised; but no fund, I doubt, could have been found equal to the interest of the then unfounded debt, which would not have been detrimental to some valuable branches of our manufactures or our commerce: they are both loaded already with burthens as heavy as they can bear; and the rival manufactures of other countries (as I before observed) are benefited by the additional price of materials and labour here; instead therefore of encreasing the disparity, the legislature more wisely endeavoured to balance the advantages which we could not take away from the foreign manufac-

on 800,000*l.* because the 1,000,000*l.* taken by the Bank is outstanding more months than the 800,000*l.* which is issued in payments. The loan on the land and malt is also outstanding above a year and half, but I chuse rather to under-rate than exceed in my computation. I must also again observe, that some small deduction is to be made for navy bills not bearing interest, and for interest made principle; but it is very trifling,



turers, by others which we could give to our own; and even the duties imposed in 1764 and 1765 were made subservient to this purpose: that upon coals exported (as I have already said,) is a tax upon foreign dyers, distillers, makers of glass, workers in iron, and other artificers, and inhances to them the price of so necessary a material; the exception out of the new duty upon callicoes exported, in favour of such as shall be printed in Great Britain, gives to the British callico printers an advantage over all others, who supply themselves at our East-India Company's sales with white callicoes for printing: the duty upon gum senega has the like tendency with respect to the manufacturers to whom that material is indispensably necessary; we have now the monopoly of it; the exportation of it from Africa to any other place than Great Britain is prohibited by an act of the sessions 1765; and the duties laid upon it are only six-pence per. cwt. on the importation; but 1l. 10s. on the exportation: so much therefore will the difference of the price be in this and other countries, after the trade is got into its proper channel, exclusive of expences of freight, insurance, and commission. We have also by the cessions in North America acquired a monopoly in the beaver skins; and the opportunity was taken in 1764 to rectify the absurdity which subsisted in the charges upon them; seven-pence per skin being imposed on the importation, and four pence draw-back allowed on the exportation; by which circumstance of favour to foreigners, our manufacture of fine hats was daily declining; but the whole is now reversed; the beaver skins when imported are charged with no more than a penny, and the seven-pence is laid on the exportation. An alteration was also made last year in the duties upon silk, in order to encourage the art of throwing it in this kingdom: the duty upon the raw silk was reduced; and that upon the thrown imported was raised,

in order to encourage the importation of the former; and if the experiment should succeed, the difference may be made still wider. The several commodities which will be affected by these alterations are used in great variety of manufactures: they will all (except the silk which we cannot command) cost less here than any where else, and the cheapness of the material being thus set against the advanced price of labour, the British manufacturer may in such articles still keep the place he has hitherto held in foreign markets.

With respect to the home consumption, it has long been usual to impose high duties upon foreign manufactures, with a view only to encourage our own: such as are liable to these heavy impositions naturally become the subjects of clandestine importation: others necessarily must be so, if they can find any vent here, those I mean which on the same principle are absolutely prohibited; and the prevention therefore of smuggling, so far as it checks the running in of such goods, operates to greater purposes than merely encreasing the revenue: it supports our manufactures against the intrusion of others, and enforces the execution of laws framed on the wisest principles of policy. The articles which will thus feel the salutary effects of these measures are too many to enumerate; if I were only to instance the two capital manufactories of silks and linens in their several extensive branches, the benefit which they will thereby receive is alone a national object. Spirits, lace, and all sorts of fine goods, have been mentioned above; and there are a great number more to which the execution of the former laws, and the additional regulations introduced to support them, are equally serviceable.

Many branches also of the British manufactures will soon find the benefit of the plan formed for the suppression of the illicit trade between the colonies and foreign nations, if it be properly supported. The extent of that trade was enormous, and it was all stolen  
from

from the commerce, and part of it from the manufactures of Great Britain, contrary to the fundamental principle of colinization, to every maxim of policy, and to the exprefs provision of the law. Whatever may have been the value of the foreign manufactures thus formerly, and now no longer imported clandestinely there, it must in the end be expended in Great Britain; and a still further preference was in 1764 secured to the British manufactures, by retaining upon all foreign commodities sent thither from hence, the whole instead of only half of the old subsidy; the imposition is not indeed very heavy; but so far as it extends, it is in favour of the British manufactures. Duties still higher were at the same time laid on the goods forbidden to be worn here, upon the same principle as the prohibition is founded: A check is thereby given to the consumption of French lawns and cambricks in America: The East-Indian wrought silks and painted calicoes will not for the future exclude so much as they have hitherto excluded the silks wove and the calicoes printed in Great Britain; and a further inducement is held out to the East-India company to bring home raw silk and white calicoes to be manufactured here. The prohibition, however, is not extended to the colonies, for which, if there were no other reason, the demand for these commodities from the Spanish main would alone be a sufficient consideration.

Another advantage was in the same session given to the manufacturers, by including the enumerated commodities several articles of the produce of the plantations, which were not before subject to such a restriction: All the various denominations of peltry, raw silk which will probably succeed there, and whale fins and pot-ashes, the quantities of which annually encrease, are now forbidden to be exported from the colonies to any foreign country, and will therefore be cheaper and in greater plenty at the British market. Coffee, pimento,  
and



and cocoa nuts were likewise for the first time enumerated : they are not of equal consequence, but they still deserved this attention, as valuable articles of consumption.

Most of the regulations I have mentioned as beneficial to manufactures, are important also to the commerce and navigation of this country. Difficulties imposed upon smugglers, are facilities given to the fair traders, and relieve them from competitors they would not otherwise be able to contend with : Duties it is true, are often burthens upon trade ; but if the necessities of the state require that they should be laid, it then becomes the interest of trade that they be equally levied : If they are not, he that pays them is oppressed by him that does not : a fraudulent dealer robs the honest merchant of his just gain ; and good subjects are in the end more heavily loaded for the profit of bad citizens. This is true not only of the custom-house duties, but of every other : Frauds upon the excise are detrimental to the upright dealers in exciseable commodities ; and all evasions whatsoever of revenue laws, tend to enhance the prices of the open market, and to make further taxes necessary for suppling the deficiency which they occasion. In another light too the prevention of clandestine imports is a great commercial consideration ; foreigners thereby introduce into this country several kinds of goods brought from distant parts of the world, the advantages of which traffic, and the carriage of which commodities, the British merchant alone ought to have : To secure it to them is the principal object of the act of navigation ; such a trade is a direct infringement of that salutary law : It is therefore in this view highly pernicious here ; but in the colonies it is fatal ; I should digress too far were, I to state all the mischievous effects of it there : It suffices to observe that the check given to their illegal practices must encrease their regular supply from hence,  
when

when the causes of its present fluctuation shall be over; for that part which foreigners did, the British merchants will furnish; as the exclusion of the one, is admittance to other.

Some of the most valuable articles of clandestine importation both into Great Britain and the colonies, are the East-Indian commodities: The difficulties put upon smuggling are therefore particularly beneficial to the company, who alone are the rightful importers: How far their trade is an advantageous trade is no part of the question: The consumption of the East-Indian commodities will continue; and it is certainly of consequence to the British navigation to have the carriage of all that is consumed by British subjects; but of so much as is run in here or in the colonies, other nations have the carriage from India to Europe, and, perhaps, from Europe to America: and to recover the navigation of such long voyages, and the direct importation of the vast quantity of goods now brought for our use by foreigners, are important national objects: It is well known to what a degree the smuggling of tea and other articles was arrived; in some it was carried to such an excess as almost to exclude the company: The coarse printed calicoes, the cowries and arangoes, for which there is a great demand on the coast of Africa, were generally obtained from the Isle of Man; so much so, that upon the purchase of that island, it was necessary to provide that the African trade should not be deprived of the supply, and authority was therefore given to the lords of the treasury to licence the importation of them from any country in Europe, if sufficient should not be imported directly from India; At present the company cannot furnish sufficient; they have had no encouragement to bring them lately; but being restored to the market, they will take care constantly to make a provision equal to the demand, and

and to have the whole benefit of this accession to their Commerce.

A like attention was shewn to the African trade in the article also of bugles, by allowing them to be warehoused free of duty, instead of exacting the whole duty, on the importation, and returning it afterwards in drawback; these, together with the coarse printed calicoes, cowries, and arangoes, may from henceforward be attainable upon as easy terms here as any where else: The inducements to bring in such commodities clandestinely are taken away; and ships sailing to the coast of Africa will no longer be tempted to touch in Holland or other countries for a supply, the consequence of which deviation most frequently was, that they took in also gunpowder, spirits, and other assortments of goods, and made up a great part of their cargoes there: The African trade will be therefore more our own than it has been; it is in itself greater than it was by the acquisition of Senegal; and a further very liberal plan was adopted in 1765 for improving all its advantages. The committee of merchants who had the management of the whole, were divested of that part of the coast which lies between the port of Sallee and Cape Rogue: The rest was left to them strengthened in their hands by building a block-house at the important point of Cape Appolonia: That which was taken from them was vested in the crown; a civil establishment was formed, with jurisdiction between the rivers Senegal and Gambia; the duties upon gum are a fund for supporting it; a regular military force is to be maintained there; and all the securities against domestic oppression or foreign invasion, all the benefits, in short of a settled provincial government, are provided for that district. This must be an encouragement to the present factories; it will be the means of encreasing them; it may be the foundation of future improvements in power, in commerce, and in settlement, to a degree,



degree, perhaps, of colonization: But without carrying the idea quite so far, it will at the least, certainly give stability, order and credit, to the British trade upon the coast, and make our establishments superior in strength, extent, and influence, to those of any European power.

But of all the measures which were pursued for the benefit of trade, those were by far the most important which respected the colonies, who have been of late the darling object of their mother country's care: We are not yet recovered from a war undertaken solely for their protection: Every object for which it was begun, is accomplished; and still greater are obtained than at first were even thought of; but whatever may be the value of the acquisitions in America, the immediate benefit of them is to the colonies; and this country feels it only in their prosperity; for the accessions of trade and of territory which were obtained by the peace, are so many additions to the empire and the commerce of Great Britain at large, yet they principally affect that part of her dominions, and that branch of her trade, to which they immediately relate. To improve these advantages, and to forward still further the peculiar interests of the colonies, was the chief aim of the administration in the period now before me. Their whale-fishery was encouraged by taking off the heavy duty under which it laboured; in consequence of which gratuity it must now soon entirely overpower our own, and will probably rival that of the Dutch; so as to supply not only the whole demand of this country, but part also of the foreign consumption. The restraint laid by the acts of navigation upon the exportation of rice, was at the same time relaxed, and liberty given to both the Carolinas and to Georgia, to carry it to foreign plantations, where large cargoes may be annually disposed of. The culture of hemp and flax in America was promoted by bounties; and another bounty was given up-

on the native wild produce of the continent, the timber, in such proportions on the several species of it, as will enable the colonists to bring vast quantities hither. Should the ends intended by all this liberality be answered, and the effect be, as in time it probably will be, that the foreign plantations will be supplied wholly with rice, and this island in a great measure with whale bone and oil, with hemp, flax, and timber, from the colonies, the encrease of their trade will exceed the most sanguine expectations: The consumption of these commodities which they may be able to furnish cannot be estimated at less than a million a year: In all they will undoubtedly have a preference, and in some a monopoly.

At the same time that new branches of commerce were thus given to them, others which they had before were improved. The prohibition on the exportation of American bar iron from this kingdom was taken away by an act passed in 1765. By the same act the importer of rice intended only to be re-exported, is excused from advancing the duties: The encouragement given to the culture of coffee in the plantations, by reducing the duty thereon below that charged on other coffee, has been taken notice of before; and a still further preference was shewn to the produce of our West-Indian colonies, by laying heavy impositions upon the indigo, coffee, sugar, and melasses of the foreign islands imported into North America, while the same commodities raised in our own, were lightly charged at the most, and some of them entirely free. It is also of general commercial utility that the fees of custom-house officers should be fixed; and that correspondence by letters should be frequent, safe, and easy: and for both these, so far as the colonies were concerned in them, particular provisions were made by the acts so often referred to.

Whatever may be the effects of the attention thus shewn to the colonies, the benefit will be partially felt here,

here, but principally there: to them the whole gain; we on the contrary in many respects sustain a loss; and if the interests of the mother country could be distinguished from those of the colonies, it would be difficult to justify the expence she has thereby incurred; for out of her revenues, the bounties upon hemp, flax, and timber must be paid; and on so much of the British consumption as shall in consequence of this encouragement be supplied from America, there will be a further loss of the duties upon foreign hemp, flax, and timber now imported here: the duty too upon whale fins must be taken into the account, which is another deduction, avowedly made with a view to give their fishery a preference even to our own; and it is obvious that the amount of the whole, though it cannot easily be estimated, must be very considerable.

Were there no other ground to require a revenue from the colonies, then as a return for these obligations, it would alone be a sufficient foundation: Add to these the advantages obtained for them by the peace; add the debt incurred by a war undertaken for their defence only; the distress thereby brought upon the finances, upon the credit both public and private, upon the trade, and upon the people of this country; and it must be acknowledged that no time was ever so seasonable for claiming their assistance. The distribution is too unequal, of benefits only to the colonies, and of all the burthens upon the mother country; and yet no more was desired, than that they should contribute to the preservation of the advantages they have received, and take upon themselves a small share of the establishment necessary for their own protection: Upon these principles several new taxes were laid upon the colonies: many of them were indeed, as I have already shewn, rather regulations of trade than funds of revenue: But some were intended to answer both purposes: In others the produce was the principal object; and yet



yet even the most productive of all, were of that kind which is perhaps more tender of trade than any other: The same sum could not have been raised with so little oppression by impost as by stamp duties\*, for they do not affect some articles of commerce more than others; they do not even fall upon men of any particular denomination: They are heavy upon none, because they are paid only occasionally; and they are collected with more ease to the subject than any; but a distinction between internal and external taxes was set up in America, and occasion was from thence taken to raise disturbances there; the particulars and the consequences of which are of such public notoriety, that it is needless to mention them: The events too were subsequent to the period I am now considering; and many of the questions which they gave rise to, being either legal or political, it does not belong to a work of this kind to discuss them. But such considerations of finance and of commerce, as were or ought to have been attended to before any impositions were laid in America, are immediately within my subject: I shall not however dwell upon those which related to the stamp act alone, the repeal of that act having put an end to them; but whether or how far the colonies ought to be taxed for the purposes of revenue, is still as it was then, a very weighty consideration, and it will therefore be necessary to take some notice of the arguments on either side of so important a question.

The inability of the colonies, and particularly of those upon the continent, has been pleaded in a variety of shapes; though the inhabitants of North America are reckoned by some to be near 2,000,000 of people, and allowed by all to be 1,500,000 at the least. Tak-

\* It is impossible to speak with certainty of the produce of any of the American taxes: I have therefore throughout followed the usual calculation, and estimated the impost duties at 60,000*l.* and the stamp duties at 100,000*l.* per ann.

ing then the lowest computation, and supposing that 100,000l. had been levied upon them, such a sum on such a number could not be an insupportable burthen; a capitation tax of one shilling and four-pence per head would raise as much; less than a day's labour would provide every man with his quota: and the distribution must be perversely partial, to make that oppressive, which if equally divided would have been so inconsiderable: With respect to the islands they could well have borne their share, for the West-Indians exceed the North-Americans in wealth, as much as they fall short of them in numbers.

But the colonies, it is said, were not before free from taxes, as they always provided for their own domestic establishments; and does not Great Britain maintain her domestic establishments also? Nor can such charges in a remote province ever bear any proportion to those of the mother country, which is the seat of a mighty empire, and supports the state of monarchy, the splendor of a court, the lustre of nobility, the dignity of magistrates, and the importance of office, amidst the profusion of a capital. The establishments of all the colonies at present, do not together amount to 160,000l. per ann. adding therefore to these the new duties, still the sum to be raised annually in the plantations would have been little more than 300,000l. while the revenue of this country exceeds 10,000,000l. per ann.

The interest of the debt incurred during the last war by the North American colonies, is not included in an account of their permanent income, because the debt is small, and will be of very short duration. At the end of the war it was between 2,500,000 and 2,600,000l. It is already reduced to about 767,000l. and the greater part of this remainder will be paid off in two or three years, by funds provided for that purpose: But our appropriated funds are rivetted down on our posterity: Savings of interest give no relaxation of taxes: They

are still wanted to discharge the principal ; and we do not see the prospect, even in a distant and uncertain futurity, of a reduction at all proportionable to that which has been already made in the colonies : So different are the circumstances of their debt and ours ; and as to the amount of each, the comparison would be ridiculous between the national debt, and 767,000*l.* daily dwindling into nothing : Or if the consideration be limited to the expences only of the last war, and their and our debt thus contracted in a common cause put together, the general burthen, even in this confined view of it, appears to be unequally divided.

But it was never intended to impose on them any share of the national debt : They were never called upon to defray any part of our domestic civil expences : The legislature only required of them to contribute to the support of those establishments, which are equally interesting to all the subjects of Great Britain. The charge of the navy, army, and ordnance, of Africa, and of America, is about 3,000,000*l.* per ann. These surely are general ; they are as important to the colonies as to the mother country ; as necessary to their protection, as conducive to their welfare, as to our own : If all share the benefit, they should also share the burthen ; the whole ought not to be borne by a part : The Americans are in number a fifth of the British subjects ; yet the aid required of them was in the proportion only of about one in twenty ; and to make it still more easy, the expenditure was restrained to that country.

In answer to this it has been alledged, that the Americans, besides paying a duty on the foreign commodities with which they are supplied from hence, contribute largely to the national revenue by their consumption of British manufactures, the price of which is enhanced to them by the taxes here : It is true ; but



if such reasoning be pursued, it will be found equally true that they contribute also to the revenues of France to those of China, and in short of every country with we have any commercial communication. Those countries likewise may be said to bear a part of our charges, for they buy our commodities; and it must at the least be acknowledged, that Great Britain makes an ample return to the colonies in the consumption of their produce, with the advanced price upon it, which their provincial impositions occasion. Could the facts be ascertained, perhaps it would appear that we pay in this manner, if not an equal sum, yet as large a proportion of their taxes, as they pay of ours; for their contribution arises chiefly from the British manufactures, and but little from the foreign commodities, which are, however, a third part of their supply: While our contribution is on the American produce, which is the greater part of their return: But the discussion is intricate, unsatisfactory, and endless; and without entering further into it, thus much is evident already, that the benefits which the revenue of either country receives from the consumption of the other, are mutual; that the ballance between them is unknown; and that therefore neither side can avail itself of any important conclusion to be drawn from premises so very uncertain.

When these considerations of revenue fail, others respecting trade are urged: We have their all, they say; all that they can gain, all that they can raise is sent hither, to purchase British manufactures, and we must therefore be content to see their demand diminished, by so much as any revenue we require may amount to. But does their all really even center in Great Britain? Their illicit trade was computed during the last peace to be about a third of their actual imports; and the money diverted from that to the support of the establishment, is certainly no national loss: Of the supply from hence, a third is also supposed to be in foreign commodities;

modities ; so that upon these calculations\*, the British manufactures do not amount in value to one half of the American consumption : and the utmost force therefore of the argument is, that we lose a vent for 80,000l. worth of manufactures, by getting an accession of 160,000l. to the revenue. Even this is not true, if the revenue be so much wanted, that unless it is raised in America, Great Britain must furnish it ; for no large funds can be created here, which will not affect our manufactures ; the home consumption, the foreign demand, even the American supply will be thereby lessened ; and the diminution being general, it may amount in the whole to a greater loss than can be apprehended from an American taxation ; all such arguments prove too much ; they are as strong against several duties here ; against any additional duties ; against duties already subsisting ; for the proposition is generally true, that taxes are detrimental to trade and manufactures ; but those which are least so, are the best ; and burthened as this country is, I believe none can be devised less prejudicial to either, than taxes upon the colonies, when proportioned not to their numbers but to their abilities, and adapted to their circumstances, upon principles of justice and equality.

The argument is nearly the same, it is only weaker, when instead of the consumption of the colonies, the consequence of that consumption, their debt to this country, is pleaded, and the new duties are represented as depriving them of the means of discharging it : This complaint would be just, if a revenue had been exacted from them, without furnishing them with resources for raising it ; but the peace, and the measures taken since for improving the advantages of it, have done

\* The proportions may be different now ; but all conjectures about the alteration must be very uncertain ; and the same reasoning is applicable to any other which may be thought the present proportions.

much more: For it would be rating the cessions made by France very low indeed, if the security which is the consequence of them; if the vast accession of territory; if the intercourse opened with the Indians, their greater demand for cloathing, arms, spirits, and other commodities, and the monopoly of their return in beaver, furs, and all sorts of peltry; if the improvements of the cod, seal, and sea-cow fishery; the establishment of the right to cut log-wood; the facilities obtained in the Spanish trade by the approximation of our settlements to theirs; and the other acquisitions of the peace, were not altogether valued to the Americans alone, at a sum much larger than the revenue expected from them. In this enumeration I have not included such articles as have lately received particular encouragement; the whale fishery, the rice, the hemp and flax, and the timber; nor the preference shewn in so many instances to the produce of our islands, over that of foreign plantations. By all these means we have increased the abilities of the colonies, to purchase our manufactures, to make returns for the supply, and to discharge their debts in Great Britain: all objections therefore to the taxing them, as affecting their trade, are resolvable at last into a complaint, that we have not done more for them. We have opened to them new funds of wealth; and if we apply'd a part of it to the national service, the deduction was only from our boon not from their property: That after all taxes paid, if all had continued, would have been greater than ever; and the commerce said to be oppressed, would, upon the whole, have been far more flourishing than if no duties had been laid, and at the same time none of the above-mentioned advantages given.

Even without entering into the value of these additions to their trade, the bounties alone on but two or three articles, would have enabled them to support the new impositions; for should this country be supplied  
from



from America with the commodities upon which they are given, the sum which the colonies would thereby entitle themselves to receive from the government here, would have been a fund for answering the demand of government upon them; and this sum is of ready money, which they may order to be remitted: it is a direct grant of so much as it may amount to; and ought to be estimated as such, independently of the additional and much greater value it acquires with them, as the means of extending their trade, and encreasing their returns.

Nor is this the only fund lately provided for them: the encrease of the establishments there furnishes them with another, which alone would more than balance the account: for those establishments during the late peace did not amount to 100,000*l.* per ann. and at present they are about 350,000*l.* exclusive of the naval expence, which also is greater than it was, and exclusive of extraordinaries, which in every part of that service are augmented; including these, the charge must be between four and five hundred thousand pounds per ann. and though the whole is not spent in that country, the cloathing, arms and other articles being provided here; yet no deductions, however liberal, will reduce the actual expenditure in America near so low as 160,000*l.* and whatever the excess may be above that sum, it must be remitted thither from Great Britain; whatever may be the amount, it is at the least four times as much as it used to be: so that on this ground also the colonies are enriched; and they are here again upon the whole in much better circumstances, than if there had been no additional taxes, and at the same time no additional establishments.

But notwithstanding these resources, there is a scarcity of coin and bullion in America, and it is therefore, they say, impossible to pay the duties, as they

are required to be paid, in silver; which objection is founded upon a palpable mistake; for the act laying impost duties in 1764 only declares, that all the monies therein mentioned shall be deemed to be sterling money of Great Britain, and shall be collected, recovered and paid to the amount of the value which such nominal sums bear in Great Britain; and that such monies shall and may be received and taken, according to the proportion and value of five shillings and six-pence the ounce in silver. These also were the words of the stamp act: the idea is taken in both from the 6th George II.; after all the clamour which has been raised about it, the very same provision is made, and the same expressions used, in the two acts passed during the last session, for altering the duties, and for opening free-ports in the plantations; and I will venture to say, that in every revenue law for America, some similar clause must be inserted; for the whole purport of it is only to fix an equal standard, not varying as currencies may vary in different colonies; but had the clause stopped here, the duties must have been paid at the rate of 5s. 2d. the ounce, for that is the sterling value; the subsequent words are therefore added in order to give an indulgence to the colonies of four pence in every five shillings and six-pence, and the only effect of omitting them would be to take that advantage away; the rate is thereby ascertained in favour of the colonies: but the specie in which the payments may be made, is no where prescribed: they may be in gold as well as in silver, in bullion or in coin, and even in paper, if the credit of the paper be like that of bank notes, such as will secure the receivers from a loss: if it be not, it would be absurd to oblige them to take it. But still it is alledged, that as the money raised is to be paid into the Exchequer, the colonies will be thereby drained of all their cash; which indeed would be the case, if the balance between

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tween them and the government were not in their favour: but as the expence of the establishments exceeds the produce of the duties, no money appropriated to the support of those establishments can ever be brought hither; for the only use which could be made of it, would be to send it back again: to prevent therefore this double remittance, directions were given that when the paymaster general had occasion to send a sum of money to America, he should apply to the commissioners of the customs or stamps for bills upon their collectors in the plantations; the deputy paymasters there receive on these bills the money in the hands of those collectors; the paymaster here accounts with the office from whom he has the bills for the amount thereof, and the commissioners of that office pay the money so received of him into the Exchequer: by which transaction the provisions of the act are literally obeyed, without drawing afarthing from America.

The only remaining argument worth notice, is, that restraints being laid upon the trade of the colonies, they ought therefore to be exempted from contributing to the revenue; a very general argument indeed, equally applicable to all times, and to all taxes; but which would not be a just inference even from a supposition that they had no other trade than to their mother country; and is preposterous when applied to a people, whose lands through all their various soils and climates are luxuriantly rich in almost all the productions of the earth; who besides their inexhaustible fisheries, and besides their intercourse with Great Britain, carry on a most extensive traffic with the West-Indies, with Africa, and with all parts of Europe to the southward of Cape Finesterre; and whose seas are from all these causes thronged with ships, and their rivers floating with commerce. This flourishing state of their commerce contradicts all the complaints which have been made of the restraints laid upon it: for such restraints have sub-

sisted



lifted from a very early period, and under them that trade has been established and enlarged, which it is now pretended they oppress: they must have been more oppressive upon infant colonies; yet they never prevented their growth; on the contrary they have been found at all times, and in all circumstances, to be indispensably necessary; and in reality, the acts of trade do no more than express an implied condition, which is the first principle of colonization: for no state would ever have allowed its subjects to remove into a distant part of its dominions, if it were thereby to be deprived of their services and usefulness: at home their consumption and their labour were all for the benefit of the country they lived in; commodities raised, manufactures made, or foreign merchandize imported there, were their only possible supply: there only, or by exportation from thence, could they find a vent for so much of their own produce as they wished to dispose of; and they were thus by their situation alone the means by which industry, navigation, and revenue, were supported. Upon their migration, this necessity ceased: they might then supply themselves from other places; and give to foreigners the carriage, the use, and the advantage of their produce. To prevent such a perversion, the acts of trade confine them in several respects, and to a certain degree, only to the same circumstances in which their fellow subjects continue; and compel them by law to be as serviceable to their country, as they were before obliged to be by situation. And that exclusive trade with their colonies, which is claimed with more or less rigour by all the European powers, is not an injurious monopoly established by force; but is a due exercise of that indisputable right which every state, in exclusion of all others, has to the services of its own subjects. Nor was the exercise of it ever supposed to imply an exemption from taxes: the fact has been otherwise from the beginning. The 15th Ch. II. strictly forbids the importation of any European goods into

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the colonies except from Great Britain; and all such goods thereby became liable to the half subsidy retained on foreign merchandize exported from hence: which merchandize, if consumed here, was in general charged at that time with no more than the whole of that subsidy. The intercourse however between our own colonies being direct, and the produce of the one when introduced into the other thereby escaping all customs, a similar charge was laid upon that also by 25th Ch. II. and the most valuable American productions were subjected to the enumerated duties, on their exportation from the places of their growth to other colonies. By 7th and 8th W. III. all the custom house laws were extended to the plantations. By 9th Anne those of the post-office were likewise established there, accompanied with the many prohibitions, which are necessary to secure to government the exclusive carriage of letters, and then charging that conveyance avowedly for the purpose of revenue. By 7th G. I. the importation of East-Indian as before of European goods into the colonies, except from Great Britain, was prohibited, and these also thereby incurred the duties retained on the exportation of them. By 2d G. II. the American seamen were taxed for the support of Greenwich Hospital, and by 6th G. II. the produce of foreign plantations imported into our own was loaded with heavy duties. From this enumeration it appears, that there never was an idea of exempting the colonies: on the contrary, restraints upon their trade, and taxes on their consumption, have always gone together: and together compose the system, by which they have been constantly and happily governed. It is true that these duties were low: so were the taxes in Great Britain, when these were laid; and light as they may seem at this time, they were then heavier upon the colonies, and nearer in proportion to such as were then levied here, than much higher duties are now. Our taxes have been since encreased many-fold:

fold: their abilities have been enlarged still faster: and the great augmentation of both was made by the last war: our debt is thereby almost doubled: our establishment is now much greater than it was; and their trade and their territory are at the same time vastly extended. The proportion between the public burthens on the mother-country and the colonies, as divided when they were in their infancy, is entirely lost: and to restore that proportion, and again to make something like a partition of those burthens, is no more than maintaining the system, upon which we have always acted, and to which I own I am partial, because the colonies have flourished under it beyond all examples in history, and I cannot prefer visionary speculations and novel doctrines to such an experience. The British subjects in America are a great commercial people: perhaps, (if this were a time for the discussion,) it might upon examination appear, that they owe their greatness to the very laws they complain of: but supposing the reverse, and admitting that if these acts had not interfered, their commerce would have been more extensive than it is: can it be a principle that no country ought ever to be taxed, whose trade is not carried so far as it might be? Or if restraints upon trade be alone a reason against taxing, is it material by what means those restraints are imposed? Surely the consequences are the same, whether a prohibitory law, the situation of the country, or any other circumstance be the cause: and in this light many inland counties of this island have a better claim to an exemption than the colonies: even the inhabitants of Great Britain at large have as good a title: for no restraint upon trade is more severe or more effectual, than accumulation of taxes; they are oppressive upon all branches of commerce, and fatal to many; we are actually at this time precluded from several and in danger of losing more, on account of the heavy impositions we labour under: and inability thus incurred



red is a better plea than any other for favour and relaxation: but after all, it is totally indifferent to this question what the means are by which a people acquires wealth, or from what means of acquiring it they are debarred: the extent not the cause of their abilities is the only consideration: and that the share of the public burthen which was allotted to the colonies, was not disproportioned to their abilities, has been shewn already.

If from what has been said it appears, that no principle of finance or of commerce forbids the taxing of the colonies for the purposes of revenue only; it must on the other hand be admitted that the circumstances of this country call for every aid which any of its subjects can give: and there was a peculiar propriety in requiring it from the Americans, who have contributed so little, and for whom so much had been done: but I will dwell no longer on a subject, which has carried me already to a length, which its importance only can excuse; and with the remarks it has suggested, I will conclude the considerations which have occurred to me on the conduct of the administration during the years 1764 and 1765, with respect to the revenue and the trade of these kingdoms: that of their successors will not detain me so long: they have done but little: they have indeed undone much; but if the former measures have been proved to be right, the reverse of them will require no very elaborate discussion, and a short examination will shew that the ministers who made the alterations, did not deviate in any one instance from the plan of their predecessors, without doing mischief to the revenue; which examination will be still shorter, and the comparison of the measures more easy, if I conform as nearly as I can to the method already observed in stating the several particulars.

The plan for paying off the public debt has, with respect to the articles of it, been the same: but there is a wide difference with respect to the amount of the debt discharged in this and the last year; and less care has been taken to prevent its accumulating again.

The liquidation of the German demands was very nearly finished under the former administration, and the payment of them also far advanced; as no more than 106,043*l.* 13*s.* 8*d.* $\frac{1}{4}$  of the miscellaneous demands were unprovided for; to which must be added the third instalment of 50,000*l.* to the Landgrave of Hesse, which became due this year.

The navy debt left outstanding last year was 2,426,915*l.* 7*s.* 9*d.* and on 31st December, 1765, it was 2,484,595*l.* 7*s.* 10*d.* $\frac{1}{4}$ . but the difference is much greater than on these states it seems to be, for in the former is included an over-reckoning of 340,344*l.* 7*s.* 9*d.* which is now deducted; in comparing therefore the two accounts, either the same deduction must be made from the former, or the sum deducted must be restored to the latter; and either way the difference between them will be 398,024*l.* 7*s.* 10*d.* $\frac{1}{4}$ , which is additional debt contracted in the year 1765, consisting partly of arrears of the war, and partly of exceedings beyond the parliamentary provision for re-buildings and repairs. It is very well known that the practice of annually accumulating the navy debt was strongly opposed by the former administration: but their endeavours to restrain it have been ill supported; a large sum appears in this account to have been expended before it was provided for: and though so much has been done towards repairing the navy; and notwithstanding the much greater provision now made for that service; still I fear that we do not yet see the end of the navy debt, which, for the present is reduced as low as it well can be, the 1,200,000*l.* voted this year  
towards

towards paying it off, being sufficient to discharge all that was payable when the account was made up.

The prospect is no better with respect to the extraordinaries of the army, which instead of approaching towards an estimate, are thrown back into a greater uncertainty than ever. Not that they will again amount to 479,088l. 10s. 6d. $\frac{1}{4}$ , which is the sum voted last session for discharging them, a very large proportion of that sum being for the remains of the war: but even the current expences will be uncontrouled, if better care be not taken of those in America; the former ministers had begun to regulate them; and had given orders to restrain the discretionary powers exercised both by the military and civil officers there, in the incurring of expence: but lately instead of assurances that such orders shall be enforced, the difficulty of complying with them has been pleaded: and though directions were sent to prepare calculations of the ordinary charges, from which estimates might be formed, and parliament might know and limit the services: and those calculations were received many months ago: yet no such estimates have been produced; all the licence introduced by the war, and which had not been corrected, still prevails: and first by neglect, and afterwards by indecision, the uncertainty has been so increased, that not only the extent, but even the nature of the services is unknown: the change of circumstances in the colonies suggests an alteration: but is that alteration to be made? Are we still to protect their extended frontier? Or are the troops to be removed into other parts? Or are they to be entirely withdrawn? The charge will be very different in these different dispositions: and though while America was obedient, and a revenue there was in view, this country might undertake to repel the hostilities, or to purchase the friendship of the Indians; yet surely we shall not now be so ready to provide for that service, which  
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the colonies alone used to bear, but to which they now refuse to contribute: or at the least we have a right to know, whether the service is to be performed, what it will amount to, and who is to defray the expence.

The extraordinaries of the ordnance and the Nova Scotia debt do not suggest any particular observations: the former amount this year to 35,061l. 6s. 2d. and the latter to 8,008l. 12s. 7d. The interest also of the 1,000,000l. exchequer bills which the bank in 1764 contracted to circulate for two years, is now brought to account, amounting to 51,763l.

The deficiencies of grants are not in reality so great as they appear to be: for the articles which properly fall under that description, viz. the interest of the 800,000l. exchequer bills, the deficiency of the coinage duty, the deficiency occasioned by the French prize money not being settled before the close of the year, the difference between the real and estimated deficiency of the land and malt, and the difference between the supply and ways and means last year, all together amount only to 224,124l. 7s. 0½d. but then no more than 3,290l. 6s. 8½d. of the African and American duties were paid into the exchequer before Christmas; not that the produce had fallen so far short of the 72,000l. for which they were given: on the contrary accounts transmitted from some of the colonies shewed the nett receipt in them only to have been above 24,000l. and no accounts were yet arrived from the Leeward Islands, Dominica, East-Florida, Georgia, or Bermudas. As to the duties on gum senega, and the regulations which accompanied them, they did not take place in time to catch the season for that trade; but both the 12,000l. charged upon them, and the 60,000l. charged upon the American duties, were given at large out of the produce whenever it should arise, and not confined to the year 1765; so that the whole will come in: but as 68,703l. 13s. 3½d. was at Christmas wanting in the exchequer

chequer to compleat the sums for which these duties were given, it was thought proper to vote so much as a deficiency; and to apply the monies already raised but not paid in, and those which are still to be raised under the vote of last year, to the service of the present: in consequence of which the deficiencies of grants appear to be 292,828l. 4½d.

The deficiencies of funds consist of the following articles:

	l.	s.	d.
Deficiency of annuity fund 1758	45,561	7	10½
Deficiency of annuity fund 1763	29,211	12	6
Navy annuities — —	139,342	2	4
Charges of management of said annuities for 2½ years — —	4,898	14	9½
Navy annuities from 29th September 1765, to 25th December — —	8,708	17	7½
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	227,722	15	1½

The amount on this state of them is less by near 10,000l. than it was in the preceding year: and if the Christmas quarter of the navy annuities advanced to compleat the payment of 25 per cent. upon them, be deducted, as being no part of the charge upon the sinking fund for 1765, the account of which is closed in October; then the difference in the deficiencies of funds between the last and the preceding year, is above 18,000l. owing principally to the increased, produce of the cyder tax; and that duty would have continued, as I have already observed, to be upon an average a much more efficient fund than it was at first: but it is repealed; and others less productive are substituted in its stead, as I shall have occasion to shew more at large hereafter.

The saving on the head of deficiencies by the payment abovementioned of 25 per cent. on the navy  
 Vol. II. L annuities

annuities, will however appear in the next account; and that wise plan for reducing the funded debt, has been followed exactly this year, a further sum of 870,888l. 5s. 5½d. being given for that purpose: including this, the account of debt funded and unfunded which has been discharged and provided for in the supplies for 1766, stands thus :

	l.	s.	d.
Miscellaneous German demands	106,043	13	8½
Reasonable succour to the Landgrave of Hesse, — — —	50,000	0	0
Navy debt — — —	1,200,000	0	0
Army extraordinaries —	479,088	10	6¾
Ordinance extraordinaries —	35,061	6	2
Deficiencies of grants —	292,828	0	4½
Deficiencies of funds —	227,722	15	1¾
Towards paying off navy annuities	870,888	5	5½
Nova Scotia debt —	8,008	12	7
Interest of bank exchequer bills	51,763	0	0
Total debt discharged and pro- vided for * — — —	3,321,404	3	11½

This sum is less than the debt paid off and provided for in the preceding year by 576,164l. 6s. 8d¾, even allowing that the American and African duties not yet received in the exchequer, are to be considered as deficient; but if that deficiency cannot strictly be called a debt, as there was a provision for making it good, which is now applied to other purposes; and 68,703l. 13s. 3d¾, should therefore be deducted from this account; then the difference in the amount of debt discharged and pro-

\* The articles provided for cannot in this account be separated from those discharged: but the amount of them may be ascertained: As the loan this year is for 1,500,000l. so much of the total 3,321,404l. 3s. 11½d. has been provided for, and the remaining 1,821,404l. 3s. 11½d. discharged.

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vided for in 1765 and 1766, will be no less than 644,868*l.* though the loan is as great, and the sinking fund greater this year than the last.

The same quantity also of exchequer bills are outstanding, and on the same terms: the bank are to circulate 1,000,000*l.* at 3 per cent. and the other 800,000*l.* will be disposed of in payments as usual: so that in this part of the debt no advance has been made; there will be as many bills in the market, and the public will pay as much for interest as before.

The deficiency for land and malt, though separated from the general account of debts discharged, is still a part of the supply, and is this year estimated at 360,000*l.* which is the highest it can be on any calculation, and more than it probably will be, even in the present state of that revenue: but when the reduction of interest upon the loan which was begun last year, shall have fully taken place, a saving will be thereby made of above 40,000*l.* *per ann.* and if the land tax were reduced one shilling in the pound, above 20,000*l.* *per ann.* more would be saved\*: but this desirable object is now removed to a greater distance than it was: many of the measures which tended to prepare the way to it, are over-turned; others are weakened; and some are diverted to different purposes: the consequence of which is that the burthen is continued upon the landholders; and the charge of interest upon the public will, in this respect, remain undiminished. Thus the deficiency of land and malt, and the deficiencies of funds, the navy and the army extraordinary will all be greater than they would have been under the former administration, and surely the ministers were not intitled to be more free to incur debt, who had done so much less in discharging it.

\* I suppose in both instances that the money borrowed is outstanding a year and an half, which is certainly a moderate allowance.

That so little has been done, is owing to the encrease of the establishment, to the diminution of the revenue, and to the want of activity or ability to find such sums and funds, as might, by proper management, be made applicable to the public service. With respect to the establishment, the augmentation is general, as will appear by stating the several particulars.

The money voted for naval services, exclusive of the navy debt, are as follows:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
16,000 seamen, including 4287 mariners - - -	832,000	0	0
Ordinary of the navy - - -	412,983	6	3
Buildings, re-buildings, and repairs	277,300	0	0
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	1,522,283	6	3
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The usual provision for Greenwich Hospital was unnecessary this year, there being money sufficient in hand to answer all immediate purposes: nor was there any occasion to apply to parliament on account of the Lazaret, that building not being yet begun, and consequently the money already given remaining unissued: but neither of these are permanent savings; the services are only omitted in the present, and will be restored in subsequent years: so that the establishment is in fact larger by 10,000*l.* than on the above account it appears to be, and exceeds that of last year by 81,316*l.* 17*s.* 6*d.* The principal augmentation is in the re-buildings and repairs, to which 77,300*l.* are added: an addition, which seems to me absolutely needless, as there are already between sixty and seventy ships of the line in compleat repair: to man these and a proportionable number of frigates, sloops, and smaller vessels, would require near 60,000 men, and if a war should break out, the 16,000 borne on the present establishment could

could not in several months be raised to that number; all which time the repairs would proceed; and ships would constantly be ready, before men could be procured for them. To provide more than can be employed, is not only an immediate expence which the occasion does not call for: but an annual charge is thereby incurred for keeping so many in repair; and the ordinary of the navy is also raised by the number: the establishment of the last year was very large: it appears to have been fully adequate to the service; and I know no reason for encreasing it.

The bounty to navy chaplains, which was a separate article of supply, is now included in the ordinary: and in the establishment of the army, the African is incorporated into the plantation service, and the horse-guards reduced into the halfpay. This being premised, the sums voted for the army appear by the following state of them to be little different from those of last year, except that another Irish regiment is taken into British pay, and that the reduced officers of some particular corps are, on account of their peculiar circumstances, raised to full pay. The whole account stands thus.

	l.	s.	d.
Guards and garrisons	605,608	19	9
Plantations, Minorca, Gibraltar, and Africa	394,505	1	3½
General and staff officers	11,291	8	6½
Reduced officers	138,674	0	0
Chelsea Hospital	109,875	16	8
Pensions to widows	1,614	0	0
Difference between British and Irish pay	7,993	11	4
Full pay to reduced officers	5,718	6	8
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	1,275,281	4	3
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The reason of the increase on this head having been given, no other observation arises upon it. The provision for the ordnance service is also enlarged, it being now 180,445l. 19s. 3d. the chief cause of which is some new works in Jamaica, of the propriety and extent of which expence, I can form no judgment.

The other miscellaneous articles of the the supply are;

	l.	s.	d.
* Pay and cloathing of the militia	150,000	0	0
British Museum	2,000	0	0
For Nova Scotia	4,866	3	5
For Georgia	3,986	0	0
East Florida	5,250	0	0
West Florida	5,300	0	0
General surveys of America	1,784	4	0
To the African committee	13,000	0	0
For the civil establishment on the coast of Africa	5,550	0	0
For the Foundling Hospital	33,892	10	0
	225,628	17	5

In almost every article of this account which could be altered, an alteration has been made for the worse; the militia and the African committee are settled services, and remain as they were: the diminution in the expence of the Foundling Hospital is in consequence of the measures taken formerly for getting rid of it entirely: and the only savings are in that and in the civil establishment of Nova Scotia: on every other

\* I have throughout stated the militia at the sum voted for it, which is the only rule for me to go by: though the expence of that corps is probably not the same as it thus appears to be: but it cannot be ascertained till a compleat account is made out, which has not yet been done.

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head there is an increase : and room has been found for some poor despicable pittance of extravagance in services which would not admit of a large augmentation ; the amount of many such is not indeed very great ; but when this disposition to swell the national expence pervades every branch of the supply, it is an alarming symptom of a general relaxation in the whole system, and every demand, every pretence, becomes the foundation of a charge upon the public. The several additions to the establishment actually voted in specific sums, amount to no less all together than 94,270l. 6s. 4d. And in other articles of annual expence which cannot be exactly defined, such as the navy debt and the extraordinaries of the army, instead of attention and strictness, neglect and concession have prevailed : the funds will be less productive than they were ; in consequence of the repeal of the cyder tax ; and a reduction in the deficiency of the land and malt by a reduction of the land-tax, is postponed to that very distant day, when the revenue thus over-charged, and at the same time, as will presently appear, miserably impaired, will allow of so great a diminution. Against this waste of the public treasure, it is ridiculous to set in balance the single saving made this year in the whole establishment ; there is but one ; and that is of only 45l. 11s. 6d. in the civil government of Nova Scotia. Another indeed was attempted in the militia ; there was an inclination to be sparing of the public money for the support of that constitutional corps, which would have been weakened and discouraged by the intended reduction of serjeants, and by depriving the men of the perquisite of their cloathing : but this attempt happily failed : and in no other instance did the ministers last sessions shew any symptom of frugality : the decrease in some articles of the supply being as I have already shewn the consequence of former measures, in which they can pretend to no other merit,

than the having, in contradiction to themselves, adopted some parts of a system, the whole of which they condemned.

The several particulars of the supply for the year 1766 having been stated, the account of the whole stands thus,

	l.	s.	d.
Debt provided for	1,500,000	0	0
Debt discharged	1,821,404	3	11½
Exchequer bills	1,800,000	0	0
Deficiency of land and malt	360,000	0	0
Navy	1,522,283	6	3
Army	1,275,281	4	3
Ordnance	180,445	19	3
Miscellaneous articles	225,628	17	5
<b>Total</b>	<b>8,685,043</b>	<b>11</b>	<b>1</b>

If from this profuse supply we turn our eyes to the revenues which are to support it, we shall not only miss the improvements which are due, but see established funds diminished, and further resources prevented: the ways and means for the present year contain some instances, and lead the enquiry to others: I will therefore endeavour first to give a state of them, and according to the best information I can procure, they are as follow:

	l.	s.	d.
Land and malt	2,750,000	0	0
Exchequer bills	1,800,000	0	0
Militia money	80,000	0	0
Part of the composition for French prisoners	181,000	0	0
Army savings	74,777	14	0
<b>Carried over</b>	<b>4,885,777</b>	<b>14</b>	<b>0</b>
<b>Brought</b>			



Brought over	-	4,885,777	14	0
Money remaining of the last year's				
grant for African companies	-	2,321	14	10½
Ditto of the last grant for the Found-				
ling Hospital	-	1,167	10	0
American revenues	-	60,000	0	0
Duties on gum senega	-	12,000	0	0
Out of the produce of French prizes	-	29,000	0	0
From the sale of land in the ceded				
islands	-	20,000	0	0
Annuities and lottery	-	1,500,000	0	0
Sinking fund given for	-	2,150,000	0	0
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Total		8,060,266	18	10½

The land and malt, the exchequer bills, and the militia money, require no particular notice; the duties on gum senega are not liable this year to the disappointment of the last. The savings on the African companies, and on the Foundling Hospital accounts, are but overplus of the grants for those services in 1765. The army savings are only upon the pay; and the produce of the French prizes was before in a course of legal proceeding; none of the money expected from thence was paid in last year; the deficiency thereby occasioned is provided for in the deficiencies of grants: But a part now actually has been, or at least is ready to be paid: And therefore 29,000*l.* is taken again on that head in the ways and means for the present year.

The composition of French prisoners, and the sale of lands in the ceded islands, were measures of the former ministry; and the public therefore avails itself of those aids now without any obligation to their successors: But it rests upon them to shew why more is not on both accounts applied to the service. The composition made in 1765 did not include the prisoners taken in the East-Indies or in Germany; yet the demands for these do not appear to have been either of them

them since settled; and there is too much reason to doubt, that as that was I believe the first, so it will be the last instance of money recovered from France by this country. With respect to the produce of the lands in the ceded islands, the first sale which was held about twelve months ago, produced above 127,000*l*. There has by this time been another: Upon both, the purchasers pay 20 per cent. at the time of sale; and 10 per cent. within the year; 30 per cent. therefore must have been received on the first, and 20 on the second; and the expences of the commission cannot be so great as to reduce these instalments to 20,000*l*. at which sum they are computed.

The loan of this year agrees with that of the last only in the amount: But the terms upon which it is made are much worse; and the duties which compose the fund are far more burthensome. The plan of it is indeed taken from the former, omitting the option of survivorships: Three-fifths therefore are in redeemable annuities, and two-fifths in a lottery, all at 3 per cent. but the circumstances of the public are better now than they were then, and it is on them that the merit of a bargain depends: The stocks were about 2 per cent. higher when the latter was made; and an advantage of so much on the redeemable annuities, is a difference of 1  $\frac{1}{2}$  per cent. upon the whole subscription. But besides this, the redeemable annuities bear interest from the 5th January last, by which means the Government pays a double interest upon the whole 900,000*l*. for four months, and upon part of it for ten: For this loan being intended to reduce debt now at 4 per cent. to three, the former rate must go on, till the payments enable the government to discharge the debt; and the first payment was not before the 8th May, and the last will not be till 15th November, to which time 4 per cent. is continued on so much of the 1,500,000*l*. as is not paid in, while 3 per cent. is incurred from January

nuary on 900,000l. whether paid in or not: by which concurrence of charges, the interest upon the sum of 1,500,000l. will at the end of the year amount to 63,406l. 17s. 6d $\frac{1}{2}$ ; whereas on the same sum last year it was no more than 48,750l. because then the 4 per cent. ceased and the 3 per cent. commenced on the same day. The difference of 14,656l. 17s. 6d $\frac{1}{2}$  is an unnecessary expence to the public, when a diminution rather than an increase of the charge might have been expected: and it is at the same time an additional profit to the subscribers of very near 1 per cent. which with the advantage above-mentioned of 1  $\frac{1}{2}$ , makes their bargain above 2 per cent. better than that of last year, exclusive of the facilities which the lightness and the distance of the payments gives them, and which the nature of the former subscription of navy bills would not admit of: The whimsical mistakes of fixing the second payment on a Sunday, and the first payments on the annuities and on the lottery upon different days, have indeed thrown this part of the scheme into some perplexity; but still the convenience is considerable, and the other profits are thereby both encreased and secured. In answer to all this, it is said, that the terms of the former loan were too hard, so that the subscribers lost by it: a charge indeed of no great weight, as the making of too good a bargain for the public is not a very common or a very heinous offence, and in this instance it cannot be universally true; because the subscribers were exactly even who sold their tickets for 11l. 19s. and tickets were before the drawing at all prices between 11l. 12s. 6d. and 12l. 10s. 6d. if all therefore had been disposed of at the lowest price the subscribers would have lost no more than 1  $\frac{1}{2}$  per cent.; but now, without taking the profits made by those who sold at the heigher prices into consideration, and only because some might lose 1  $\frac{1}{2}$  per cent. an advantage of above two per cent. is given to all the subscribers



scribers of this year over those of the last : And for that purpose the public is put to an extraordinary expence of near 15,000*l.* in borrowing the same sum, with equal aid in both cases from a lottery, and when the state of the finances and of the stocks were far more favourable to such an operation at the one time than at the other..

The difference between the two transactions appears still more conspicuously upon comparing the funds created on each occasion: the duties which composed the fund of last year have been already shewn to fall chiefly upon foreigners, to be rather beneficial than detrimental to trade, and there has not been a surmise of their being deficient, when they shall have fully taken place: but the additional tax upon windows is an imposition upon those who had a better claim than any others to an exemption from further burthens, and the produce will certainly be greatly short of the annuities charged upon it: to prove this and to prepare the way for such other observations as the subject suggests, I will first shew in one view the number of houses and of windows, and the amount of the duties upon each, both before and since the passing of the act of this session. The following is a state of them,

Number of Houses.	Number of Windows per House.	Charge under the former Acts per Window.	Charge at present per Window.	Encroasc.	Decreasc.	Charge under the former Acts per House.	Charge at present per House.	Encroasc.	Decreasc.
400,273	7	0	2	d.	d.	l. s.	l. s.	s.	d.
9,336	8	0	6	0	0	0	1	0	0
29,378	9	0	8	0	4	0	4	0	0
15,564	10	0	10	0	2	0	8	0	0
48,247	11	0	0	0	4	0	11	0	0
6,358	12	0	0	0	0	0	0	0	0
9,230	13	0	4	0	2	0	14	0	0
25,384	14	0	6	0	0	0	1	0	0
6,994	15	0	6	0	0	0	2	0	0
6,951	16	0	6	0	0	0	4	0	0
7,159	17	0	6	0	0	0	5	0	0
8,070	18	0	6	0	0	0	7	0	0
14,213	19	0	6	0	0	0	8	0	0
4,135	20	0	7	0	0	0	8	0	0
3,262	21	0	8	0	0	0	11	0	0
3,100	22	0	9	0	0	0	15	0	0
2,951	23	0	10	0	0	0	18	0	0
3,091	24	0	11	0	0	0	22	0	0
2,964	25	0	0	0	0	0	10	0	0

The number of houses having 26 windows and upwards does not appear: but the number of windows in such houses is known to be 1,340,292 which are all raised alike to 2s. from 1s. 6d. per window: In houses below that point, the rates generally vary according to the number of windows, and therefore in most of them the stopping up of one window will be the means not only of saving the duty upon that one, but also of lowering the rate upon all the others: the temptation has been found to be irresistible upon every additional window tax, wherever the line has been drawn, those

those immediately above have endeavoured to get below it; and this is the reason that the houses containing seven, nine, eleven, fourteen and nineteen windows are so much more numerous than those of eight, ten, twelve, fifteen, and twenty, the lines having been drawn at different periods between those several numbers: but by 2d G. III. this multiplicity of divisions was taken away, and only one left between houses of eleven and of twelve windows, all below paying 1s. and all above 1s. 6d. per window. The disproportion therefore in the number of houses on each side of that line is as 48,247 to 6,994: at the same time, as as the tax then stopped entirely at houses of eight windows, all that could be were brought down below that point, and therefore the number of houses having seven was encreased to 400,273. By the act of this sessions, those of seven are included; the consequence of which will be that the major part of them will be reduced to six: And the temptation is also extended to a great variety of persons, who before could not attempt to get below the only line then drawn, and therefore could avoid the charge only upon such windows as they closed; but now that fourteen classes are established instead of two, most of the householders in England may by stopping up one window descend to a lower class, and thereby make a saving upon all the others: thus by shutting one in ten, 3s. 8d. instead of 1s. or one in twenty-five, 4s. instead of 1s. 6d. or two in eleven, 5s. instead of 2s. or two in twenty-four, 7s. 6d. instead of 3s. may be saved; and in the same manner through all the others proportionably: past experience of the extent to which such oeconomy will operate, forbids us to flatter ourselves that when temptations are multiplied they will be less attended to, and whatever the effect may be, it is in diminution of the produce not only of these, but also of the former duties: These are calculated at 53,310l. 17s. 2d. on a supposition



supposition that not one window will be closed to evade the additional charges: But if on the contrary one window in every house should be stopped, the whole tax will be annihilated, as such a saving will altogether amount to 53,813l. 15s. 10d. and though the practice should not be universal, it will certainly prevail so far as to cause a great deficiency; to what extent, I must leave upon the above calculations to the conclusions which every man will form, who remembers former occasions. But it is said that some of the rates being reduced, many persons will now open those windows which they had shut, before; this is to suppose that men, who have been at some expence in order to avoid, will now be at a greater on purpose to incur an annual charge: For still no man can open a window (except in houses having from 14 to 19 or above 25) without raising the rate on all the others: And none will chuse to pay 4s. because he must pay 1s. 2d. or raise his 11s. to 14s. rather than reduce it to 8s. 4d. for one person who will thus thrust himself into a higher class by opening, there will be hundreds who will retire into a lower class by stopping up a window.

By this specimen of their abilities, the talents of the last ministers in finding ways and means, seem equal to those which they shewed in planning the supply: it was extravagance in one: deficiency in the other. And this tax so far as it may be productive, though always advanced, and sometimes borne by the tenant, yet will often be ultimately paid by him who pays four shillings in the pound already: those who live on the interest of a personal estate, or on the earnings of their industry, are generally free from charges upon the means of their subsistence: while the landed men are taxed not in their consumption only, but also in their income; they bear a burthen now heavier than usual in times of peace: they have borne it long: the prospect of a diminution is more uncertain than it was:

and

and at the very time that the expected relief, has, by mismanagement been removed to a greater distance, another imposition is laid upon them; a perpetual is added to an annual land-tax; and the latter is more unequal than the former, as it falls principally upon those whose estates are in houses, which are in themselves the worst estates of any, and the support of which is already under sufficient discouragements: the expences attending them, and the accumulated load upon landed property, and upon this species of it particularly, co-operating with the other taxes, have been in a great measure the cause of uniting farms, depopulating the country, and enhancing the price of provisions. The effect has been so great, that instead of 986,482 which was the number of houses in England and Wales no longer ago than the year 1759, there are now but 980,692, and the destruction of 5,790\* in so short a space as eight years, is such a symptom of distress and depopulation, as to require every attention to check the progress of the evil, and to avoid any measures which may accelerate or encrease it: relief to the landed interest is now no longer the concern of the individuals only who are to receive that relief, but is become an important national consideration.

If however a window tax, because payable by the tenant, is to be considered as actually borne by him, then the additional duty falls upon the inhabitants of houses having seven or more than twenty windows: near half of it is intended to be raised upon the former: that therefore will be paid by labourers and handicraftsmen: and as manufactures are either carried on in large

\* The destruction in the country must be greater than on this account it appears to be; part of it being balanced by the new buildings in Westminster which are taken into a general account of the houses in the kingdom: if these were deducted from the balance, the number destroyed in the country would be seen to be much more than 5,790.

buildings erected for the purpose, or in the private houses of the workmen, which are very generally those of about seven windows, the new duty will in the one place or the other, and perhaps in both, light upon manufactures: in this respect it differs from the duties imposed last year, which were even beneficial to them; it differs too in another, that instead of affecting principally foreigners, and none but the rich, a large proportion of the burthen is thrown upon one of the lowest ranks of the people: and it is fallacious to set the alleviation given to others by diminishing some of the former duties, as a ballance against this new imposition: for in the whole kingdom no more than 69,866 houses will be benefited by all the reductions, 117,016 remain as they were: the rate is higher than it used to be on all the rest: and of the revenue expected from the whole, 23,349l. 5s. 2d. is intended to be levied upon a class of men, who are poorer than any of those relieved by the alterations, and who have never been before comprehended in this species of taxation.

All the American revenues now left do not much exceed the new duty thus laid upon the poor of this country; for though 60,000l. be given out of those revenues in the ways and means for the present year, yet that is not the supposed annual produce, but is a sum made up of all such monies remitted from the colonies as were remaining in the exchequer for the disposition of parliament, and as shall be paid into the said receipt before 5th April 1767. It has been already observed that above 24,000l. nett were received in America before 10th October last, exclusive of all which might have been raised in the Leeward Islands, East Florida, Georgia, the Bermudas and Dominica: when the accounts from those places come in, the produce of 1765 will probably appear to have been about 27,000l. or 28,000l. of which little more than 3,000l. were applied to the services of the year in which they were



raised; above 23,000*l.* are made over to the ways and means of the present year, and are part of the 60,000*l.* above-mentioned. The rest of that sum is at the least five quarters further receipt, supposing that none received in the plantations after Christmas 1766, will be paid into the exchequer before 7th April 1767; the annual produce therefore is not now estimated at 30,000*l.* which is little more than was raised by the impost duties in the first year, which is always deficient;\* and there can be no reason for stating them so low now, unless on a supposition, that they will be diminished by the alterations made in them: a supposition, which however denied in words is by this estimate in reality avowed, and which will be easily accounted for by considering those alterations: the principal reduction is in the duty upon foreign molasses, which is lowered from 3*d.* to 1*d.* per gallon: when it was laid two years ago, the West-Indians urged an imposition of 4*d.* as necessary to secure the preference due to British molasses: the North Americans desired it might be no more than 2*d.* which they there by acknowledged their trade could bear: a medium was therefore taken between the two: but now the duty is reduced below the lowest of them: more is given than was asked for before; and on the other hand, the preference intended to the produce of British plantations is totally taken away, the present duty of one penny being laid indifferently on all molasses whatsoever. The reasons assigned for so great a diminution of revenue, are commercial considerations: but be they ever so cogent, admitting all the inconveniencies to trade which can be supposed to attend the three-penny duty, it does not follow that two-pence would have been too much: no experience is against it; on the contrary, the trade has increased and flourished under a charge exceeding a penny, for so much the expence  
of

\* The deficiency upon these must have been greater than usual in the first year of a tax, from the nature of the duties; and from the discontents and disorders in America.

of smuggling always amounted to; and surely now that it is established, two-pence would not be oppressive.

This indulgence to the North Americans is accompanied with another to the West-Indians, to which, almost from the first settlement of their islands, they have been strangers; the old enumerated duties laid in the time of Charles the second upon sugars exported being now taken away: and whatever the amount may be, it is so much loss to the British revenue. There have been also other alterations made, which so far as they extend, are all in diminution of revenue: I mean the taking off the duties upon coffee and pimento of British growth, and upon foreign coffee, indigo and sugar, imported into the colonies, with a view only to be exported; but the loss on these will, I apprehend, be very inconsiderable, because I do not expect that any great quantities of such commodities will be conveyed to Europe through the channel thus intended to be opened for them. The produce of our own colonies which will be carried to other colonies of our own, in order to be brought hither, must be very trifling: as to the produce of the foreign islands, if we could get the carriage of them, it would be a valuable acquisition: but the French know the importance of it: they are in possession; they will endeavour to preserve it; and they have the means of preserving it. The procuring of cotton by the same means is of still more consequence, as that is a material of manufacture; and therefore every encouragement which can be should be given, to encrease the importation, and to lessen the price of it. The exemption from duties granted last session have a tendency to that end: but the plan hitherto produced is very imperfect, because tho' it procures a temporary supply to the immediate want, yet it retards at the least, if it does not entirely prevent, the permanent security which might be provided against it; and while it assists the manufactory at home, is prejudicial to the colonies: for all facilities given to the consumption of foreign

cotton, discourages the culture of it in the the British plantations: the soil and climate of the ceded islands are peculiarly proper for producing it; and the circumstances of first settlers naturally lead them to raise such a commodity: but the neighbouring French islands have got the start of them in the growth, and have now advantages over them in the sale, by having more markets open to them: to rectify so undue a preference, a bounty should be given on the one at the same time that the duties are taken off the other: but that must be the work of some more provident administration.

To compleat the state of the American revenues, the repeal of the stamp-act must be taken into consideration: a subject, which for the reasons I have already given, I shall not enter into: which if properly treated, would require a very large discussion; and which has been of late discussed so often; the only circumstance to be taken notice of at present is the loss of the 100,000*l.* designed to be raised by it, and which being added to the diminutions above-mentioned in the impost duties, sufficiently accounts for the reduction of the American revenues from 160,000*l.* which they were intended to be, to less than 30,000*l.* per ann. a sum greatly short of that proposed to be raised on the inhabitants of this country by the new window-tax only, in addition to all the former burthens, which they have so obediently, tho' so hardly, and so long borne, and which they must continue to bear. Such a distribution cannot be supported on any principles of commerce or of policy: glaring inequalities not only indispose the minds of men, but really lessen their powers: one part is thereby over-whelmed, not for the benefit of the whole; for if the charge were justly divided, none would be very sensible of it: and generally not for the benefit even of those who are favoured, who perhaps cannot follow the pursuits  
which



which the others may be forced to abandon, cannot succeed to the labours, the services, and the usefulness, which by the partiality shewn to them, are lost to their country. In the empire of Great Britain for instance, all the taxes fall upon that part of her dominions where the manufacturers reside, and the markets are held: Her staple commodities are loaded; all the branches of her trade are hurt; and many of them ruined: the Americans cannot supply the loss: they might indeed assist to prevent it, by defraying a part of that national expence which occasions the distress: And in this view it appears to be a commercial object, that the burthens of a state should be equally spread over all the subjects of it, according to their abilities: but the last administration entirely deserted so wise and equitable a system: they might have supported it, though they had given way to the objections taken, whether without sufficient grounds, to the mode on the subjects of any particular tax; they ought to have provided that their concessions should not be in effect partial immunities: and when they promoted the repeal of the most productive American duties, it was incumbent particularly upon those to whose department the management of the finances belonged, to propose others which should have preserved the proper equality: the colonies themselves it has been said always professed that they were ready to contribute in that which they called the accustomed method, by requisition of certain sums from each province, to be levied by their own assemblies; it has even been urged as an objection to the stamp act, that it was chosen as a mode to raise money in preference to another which would have met with no opposition: and why is not that other substituted now? it will at no time be received so favourably as when a subsisting charge is removed to make room for it. If there be a difficulty in taxing the colonies, that difficulty is encreased by

the delay: the Americans will not be reconciled to the payment of duties, by a longer exemption from them; nor will future ministers ever have such an opportunity of raising a revenue there: the very mode of requisition which upon this occasion has been recommended as so much more eligible than the stamp duties, will not hereafter have the advantages it is supposed to derive from the comparison: the choice will not seem an indulgence: it will be unaccompanied with any favour; but will be considered as a new charge, instead of a relief, and be obnoxious to all the clamour which they will raise, whose real opposition is to all taxes upon the colonies: many have been taken off this year; and every reduction was a call upon administration to propose some other imposition: every deficiency which their measures occasioned, demanded a supply: and their whole conduct with respect to the colonies, laid them under stronger obligations, than ever pressed upon any other ministers, to find the means of raising a revenue in America.

Another instance of the same kind, though to a less extent, was the taking off from the cyder counties the share of the public burthens which had been allotted to them, without replacing it by any other charge upon those counties: a principle of equality first suggested a tax upon them; for all the former duties upon cyder were levied on the dealers and retailers: the growers and the makers were exempted: the revenue therefore arising from thence was in a great measure paid by the consumers of the commodity in places which do not produce it: and the high duties on beer, on malt, and on hops, lay almost entirely upon them: they could drink no liquor which was not taxed; while the common beverage in the cyder counties was free. This inequality had been encreased by the addition in 1760 of a perpetual

perpetual duty of 3d. to the annual duty of 6d. upon malt, and of 3s. per barrel on strong beer which was charged with 5s. per barrel before. The sum to be raised by these duties was no less than the interest of 20,000,000l. any additional load upon the beer counties would have been oppression: and a general tax would have left the inequality subsisting: when therefore a further loan of 3,500,000l. became necessary, it was thought reasonable, that the greater share of the new impositions should be laid upon those who had contributed least to the expences of the war: but still they were not particularly charged with so much as one half of the burthen: the wine duty bears the rest, and that is a general tax: they were still greatly favoured; for though the cyder counties are not equal to the beer counties in number, extent, or abilities, and the same revenue cannot therefore be expected from them; yet the difference is not so great as between 70,000l. which is all that the cyder-tax was at first given for, and more than it ever produced; and above 830,000l. which is the amount of the annuities and charges of management to be paid by the new duties upon malt and beer. But without entering into an uncertain calculation of the proportion they bear to each other, the lenity shewn to the cyder counties will appear from another mode of comparison: whoever makes his own malt is allowed to compound for the duties at the rate of seven shillings and six-pence for every person in his family: whoever makes his own cyder was allowed to compound at the rate of two shillings for every person above eight years old: children under that age are a numerous part of the inhabitants of the country, and they were in the one case excused, while in the other, the infant at the breast is counted: and at the same time the actual poor in the cyder counties, whose tenements were not rated at above 40s. per ann. and who did not make above four hogsheds in a year, were ex-



cused both from the duty and the composition; but in the beer counties the neediest poverty gives no claim to an exemption: so very great is the difference between the supposed values of the respective duties upon each man's consumption! so much more favourably was the composition collected on the one than on the other! and so very small a share of the public burthen was borne by the cyder counties, even while the tax subsisted! now that it is repealed on account of the \*inconveniencies attending the mode of collecting it, the former disproportion between them and the beer counties returns: for the common beverage of the inhabitants of the for-

\* The compounder was free from the visitation of the officers of the excise: and therefore the maker, unless he was also a seller of cyder, was not exposed to any of these inconveniencies; but to prevent his evading the duty due on so much as he might think proper to dispose of, he was required to give notice of his intention to sell, and in that case only was the excise officer authorised to come upon his premises; but he could enter no room besides that into which he was conducted: he could gauge no other cask than that which was pointed out to him: he could on no pretence come again till again sent for: And he was obliged to give a certificate of the vessels he had examined, which was a sanction for the removal of them. The necessity of procuring such a certificate might occasion some trouble, and delay: other inconveniencies might accidentally arise: but none of them were vexatious or oppressive: and when aggravated to the highest, they were not nearly equal to those to which the grower of hops must always submit; he must give notice both of the places where his hops grow, and where they are to be cured: He must give a second notice of the time when he intends to bag them: and his outst and his storehouses are at all times exposed either by night or by day, to the search of the officer: no composition is allowed to screen him from the unwelcome visits of the excisemen: whether he does or does not sell he is equally liable: all malsters, all common brewers, all distillers are in the same or a worse situation: the maker of cyder was the only seller of an exciseable liquor, who could prescribe a time for the visit, and limits to the examination of the officer; and an exciseman thus stripped of his power of search, is almost as inoffensive as any other collector of the revenue.

mer,

mer, that which they grow or make themselves, is totally exempted: the duties substituted in the lieu of that which is taken away, are 16s. 8d. per hoghead on all cyder consigned for sale to a factor or agent: 3l. per ton on all which shall be made in Great Britain and sold by retail, or made and sold by dealers from fruit of their own growth: the first and the last of these can hardly be deemed new duties: they are rather provisions to fix the former duties upon those who have hitherto avoided them, because not literally within the description of persons in whose hands the commodity was chargeable; the two others are additional duties, and like all other additional duties will diminish the consumption; especially as the liquor is rather a luxury than a necessary in those countries which do not produce it; and being laid upon cyder sold, and most of that which is bought being for the use of the beer counties, the charge is transferred from the cyder counties to them, and the disparity is thereby rendered greater than ever. Nor will the new duties yield upon the whole near so much as that which has been taken off; which on the experience of the two years that it subsisted, must be reckoned 45,000l. at the least: whereas of the new duties, the 6s. per hoghead retailed though the most productive of them, will not at the utmost produce 23,000l. for that is more than the amount of such a charge upon 76,602 hogheads which has been upon an average the number annually charged with the former retail duty: but that number will be diminished by the decrease of the consumption; and both the new and the old duties, will be thereby affected: the additional duty upon cyder imported will have a like effect; the other two will hardly ballance this loss; and therefore the diminution of the revenue, by the change of the cyder tax, cannot upon the whole be so little as 20,000l. at the lowest computation.

The several alterations made in the revenue during the last administration having been now mentioned, the state of them altogether is as follows :

By the encrease of the establishment	94,000	0	0
By the diminution of the American revenues — —	130,000	0	0
By the repeal of the cyder tax	20,000	0	0
	<hr/>		
	£244,000	0	0

These are all set down at less than they probably will be : together they amount to a sum equal to the interest of eight millions : and the effect is the same as if an additional debt of so much had been incurred, without providing funds for paying the interest upon it ; so that the nation has been in one year, and in a time of profound peace, impoverished, (if considered in one way) 8,000,000*l.* in its capital ; or (if taken in the other) above 240,000*l.* per ann. in its disposeable income ; by the measures which the last ministers are entitled to call peculiarly their own : for the savings which may be brought against this loss, were made on the plan left them by their predecessors : wherever that has been followed, the revenue has been improved ; as in paying off another 25 per cent. of the navy annuities ; and providing again for 1,500,000*l.* navy bills ; by the former of which 34,835*l.* 10*s.* 7*d.*  $\frac{1}{4}$  by the latter 15,000*l.* \* interest has been saved, and both are upon exactly the same sums, in the very same species of debt, and by the same mode of proceeding, as in the preceding year. But even allowing to the last ministers all the merit they can claim for not having deviated in these two instances from the measures of the former administration ; and adding to such savings, all that the window tax may produce, which cannot be a great accession, though it is impossible to say how little it will be

From this as from other the like sums a small deduction must be made for non-interest bills ; and for the interest accrued on the others.



be; yet this only! proves that the revenue which ought to have been improved by 50,000*l.* is worse by near 200,000*l.* than it would have been in other hands: which is in effect the same as a diminution of 244,000*l.* whereas under the former administration it was visibly increased above 400,000*l.* in two years, which is at the rate of above 200,000*l.* per ann. so that the difference between the two administrations, in their management of the revenue is more than 400,000*l.* a year.

By so much as the establishment is increased, or the income of the public lessened, the ability of the sinking fund to clear off the national debt is impaired, as there will be so much less applicable to that purpose, though the actual produce should continue to be as great as it is: in the last year it exceeded what it had been in the former; for though the disposeable money on Oct. 10, 1765 was no more than 1,951,769*l.* 9*s.* 5½*d.* yet two sums having been advanced for the purchase of the Isle of Man, and for the alteration in the pay-days of the consolidated 4 per cents. together amounting to 275,246*l.* 5*s.* which are only an occasional application of part of the produce, so much must be restored to it, and then the real surplus of 1765 above the proper charges upon the sinking fund, appears to have been 2,227,015*l.* 14*s.* 5½*d.* which is more than that of 1764, even including the accidental advantage of a quarter's produce of the beer duty in the account of that year; but deducting that sum, the difference will be near 150,000*l.* in favour of the latter year. The disposeable money was however no more than 1,951,769*l.* 9*s.* 5½*d.* and the Christmas quarter yielding less than usual, about 30,000*l.* was wanting of the 2,100,000*l.* intended to be raised by that time: and as this deficiency must be supplied out of the first monies arising in the April quarter, so much must be added to the 1,150,000*l.* which the sinking fund is given for this year, and 1,180,000*l.* therefore appears to be the estimated

mated produce to Christmas next, that quarter being again included in the computation.

But there is great reason to fear that under such management as has lately prevailed, the several branches, which compose the sinking fund, will be less productive than they would have been under the former: and if there were no other ground for the apprehension, than that a general relaxation may be observed in almost every article where it is open to discovery, that alone would justify the supposition of its extending to others, in which it may not be so apparent: and the attention, vigilance and activity, by which the revenue was improved, and without which it cannot be preserved, do not seem to have belonged to an administration, who were distinguished by many concessions, and many omissions, but not by any act of vigour. The surmise grows still stronger when we see no one step of consequence taken for the improvement of the revenue, in any of its various and extensive branches, though the ministers were called upon to exert themselves by the example, and urged to it by the reproach, of the many regulations made for this purpose by their immediate predecessors: But the symptoms are still worse, when the plans begun are deserted, or those which were established are impaired; and of these there are many instances: several have been mentioned already, where they avoided to bring in aid of the revenue certain gross sums, as compositions for prisoners, ballances of accounts, &c. which were not only suggested, but expressly named to them, and the very mode of recovering them clearly marked by the preceding measures: others were equally notorious; and have been equally neglected: when the purchase of the Isle of Man, and the subsequent provisions were made, the design was to follow them with similar regulations of the intercourse between this kingdom, and the islands of Jersey and Guernsey:

Guernsey : no parliamentary interposition was necessary. The king in council being vested with sufficient powers over those remnants of the dutchy of Normandy and the vast influx of clandestine importation from thence calls for the exertion of those powers ; it was intended by the former ministry ; that intention was declared ; and the means of accomplishing it under consideration ; but nothing has been done : and the plan for distressing all illegal importation, by taking away the facilities which arise from the situation of neighbouring islands, is not only left unfinished ; but even the effects of the progress which had been made in it, is to a degree defeated, while smuggling though shut out at one entrance, finds admittance at another. The manner in which the establishment of cutters has been treated, is another ill omen to the revenue ; they have been reviled, ridiculed, and continued : the expence attending them is as great as ever : the operation of them less : the ministers have acknowledged the measure to be right, by continuing it ; but the dislike they shewed to it, discouraged the service : as the persons employed therein, could not hope to recommend themselves by activity, nor fear to suffer for remissness, in a service, which the administration wished to expose and to condemn. The doctrines too, which have been lately broached with respect to the colonies, and which portend still further relaxations of the acts of trade, and other diminutions of revenue, will have a like effect there : all vigour in exacting obedience to the one, and collecting the other, must be at an end under such a system as the present : the pernicious clandestine trade which was almost suppressed, is said to be reviving very fast : and it will encrease, while the execution of the laws is attended with danger ; infractions of them escape with impunity ; and the officers of the crown who faithfully discharge their duty, are exposed to insults, and doubtful of support.

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I have heard of other instances of neglect and remissness : But these are notorious, and the effects of them extensive. And these alone make the prospect of finding other diminutions and deficiencies in the revenue, more than meer matter of apprehension.

They cannot have consulted the commercial interests of this country, who have been thus careless of its income, and prodigal of its treasures : for trade and revenue are in many respects nearly connected ; and a judicious management of the one, tends to the improvement of the other. Discharge of debt, and reduction of expence, prepare the way for alleviation of duties : but less debt was discharged, and much greater expences were incurred, by the last than by the former administration : and the late alterations in the revenue have been shewn to produce the same sensible effects, as if eight millions had been expended, and the public were charged with the interest : trade and manufactures must feel the consequences : even if the procuring of commercial advantages had been the object of them, those advantages ought to be very great to compensate for such losses and such charges incurred to obtain them ; but in fact a very small part of the whole 240,000*l.* has the least relation to any commercial considerations. It is not pretended that the increase in the establishment was made for such purposes : the repeal of the cyder tax has as little connexion with trade : As to the stamp-act ; one of the principal motives assigned for the repealing it, was to remove the distress occasioned here, by the reception of that law in America ; but that distress did not arise out of the act : it was owing entirely to the refractory spirit which had gone abroad in the colonies ; and which the ministry (to say the least that can be said of them) had neglected to quell : no tax was ever laid upon the subject with more general approbation ; none was ever opposed with less reason, or with so much violence :  
sedition

fedition never met with so little resistance from government : and the repeal, upon whatever grounds it was made, was at the most but an occasional measure. The only alterations therefore in the revenue which can be claimed as general permanent measures for the benefit of trade, are the other reductions of the American duties, particularly of those upon sugar, and upon molasses. The taking off the enumerated duty upon sugar leads to no great object, as the commodity has borne the burthen near a century, and it was never supposed to be a very heavy grievance. The reduction of the molasses duty is a more considerable alteration : and though three-pence on a gallon of rum (for the charge amounted to no more) does not seem to be an intolerable load upon such a commodity, and the effect of it could not be thoroughly known by one year's experience only, yet as a duty of one penny must incontestably be less inconvenient to the trade, which the American distilleries supply, the importance and the extent of that trade become the principal considerations : and so far as this manufacture, (for it is an American manufacture to which the indulgence has been shewn) and so far therefore as it interferes with the produce of the British distillery, either on the coast of Africa, or in the fisheries, it certainly ought not to be favoured ; so far as it is supported by molasses purchased with money, or as the consumption of their own corn in the distilleries is prevented by the importation of molasses, it is not advantageous to the colonies : And the excessive use of spirits among themselves, has been found to be so pernicious to the people, that the imposition of a duty as the means of checking it, has been often under consideration in the very provinces which are most concerned in the manufactory. That part therefore of the trade which does not fall within any of these descriptions, is alone deserving of encouragement ; and the benefit which it is said may arise from

from lowering the duty upon that part, is the only commercial advantage supposed to be obtained, by a diminution of 240,000*l.* per ann. in the disposeable revenue.

I pass over here the other less important articles which have been mentioned before; and to these must be added the opening of free ports at Jamaica and Dominica; of which little can be said with certainty, as it is a concession which may be beneficial or may be dangerous to trade; I can see advantages arising from it, if proper precautions be taken against the mischiefs which may attend such a relaxation of the acts of navigation: but I confess myself not a competent judge of the plan which has been adopted. It is a subject which requires the most mature deliberation, much previous enquiry, a watchful jealousy, and extensive provisions: the ministers themselves once thought they were not prepared for such an establishment this year: they suddenly changed their opinion; but I have not altered mine: I still wish it had been postponed, till the whole extent of the indulgence and all its consequences could have been examined, and care taken that no detriment should mix itself with the benefits proposed to the commercial interests of Great Britain.

But even supposing the plan to be perfected; supposing the repeal of the stamp-act to have been expedient; and allowing all the merit which the last ministers can arrogate to themselves from all their measures: they still must not pretend to have promoted the interest of the colonies so essentially or so extensively as their predecessors had promoted them: the new funds of wealth and of trade which were opened by the former administration, exceed in value all the hopes ever entertained from the promises given by the latter: and the advantages expected from each differ so widely in the circumstances attending them, that if they were equal in amount, they would still not be of equal importance



portance : the former are grants : The latter are concessions ; and the consequences must be very different from beneficence and from compliance. But not to dwell upon this though a material distinction, the mode in which the colonies were encouraged by the one administration, must have far more extensive effects than that adopted by the other : for when taxes are taken off merely that the sum which would have been raised by them, may be thrown into trade, the value of that benefit can be no more than the amount of those taxes : and therefore if I were to admit that all that the revenue loses by the repeal of the stamp act, will be applied to commercial purposes, the advantage to trade is but 100,000*l.* whereas such a sum judiciously given in bounties might produce millions : in the one case, the expence and the acquisition are exactly the same : in the other a small expence purchases a large acquisition : but of all the benefits done to the colonies in 1766, none belong to the latter description, except the alleviation of the molasses duties, the alterations made in the lesser duties, and the establishment of the free ports : allowing again to these all the effects which are barely possible, still the warmest advocates for them will not be hardy enough to compare the returns, which by such means may be made from the colonies to this country, with those which the encouragement given by the former administration to the fisheries, to the culture of rice, hemp, and flax, to the sale of timber, and to the many other articles of American produce, will furnish. Besides the object of most of these is to promote and extend cultivation, which is the proper business of colonies ; but the later regulations have no such tendency, except in some trifling particulars : on the contrary, the alteration of the molasses duty was avowedly made for the benefit of a manufacture : and manufactures more peculiarly belong to the mother-country : but even an equality, which is the least that

the British distilleries are entitled to, is not secured to them under the present very low duty on molasses: and the preference due to the produce of British plantations is lost, in the molasses, the cotton and other articles. In addition to all these, another obvious difference presents itself in the conduct of the two administrations: The measures of the latter are founded almost entirely upon speculation: They have been defended upon principles repugnant to those which have been always esteemed to be the best adapted to the management of colonies: they are experiments substituted in the place of experience; uncertain in their event; and perhaps dangerous in their consequences. For there can be no assurance of the effects immediate or distant which may ensue from concessions made to colonies in a state of actual resistance: by the establishment of free ports, an opening may be made for bringing the produce of foreign settlements into our own; or on the other hand, for the introduction of European manufactures into the British plantations: this and the other regulations which are intended to procure the carriage of commodities raised in the French islands, may encrease the consumption of those commodities on the continent of America, to the prejudice of our West-Indies; or facilitate the exportation of our enumerated commodities to other places than to the dominions of Great-Britain: and the facilities given to the intercourse between our and their settlements, may either furnish the colonists with the means of making returns to this country, or of diverting the returns they were before provided with, to other countries. The event in all these instances is at least doubtful: whereas the measures of the former administration were certain of their effects: to open a vent for the produce of the plantations, to encourage cultivation there, to extend their fisheries, to prevent their clandestine trade, and to confine their consumption to the manufactures

of

of Great-Britain, were measures equally beneficial to the mother-country and to the colonies, and cannot in any event or by any abuse become detrimental to either.

There was but one of importance amongst them from which any bad consequences to commerce were apprehended, which was the duty upon molasses: but as I have had occasion to mention that subject more than once, and it would carry me too far were I to enter into all the considerations which arise upon it, I will leave it to rest upon the observations which have before occurred, and upon that general knowledge which the publick is possessed of, from its having been so long the topic of conversation. There was another measure of the same administration, which it would be also tedious to dwell upon at present, and which, if the interests of this country had been consulted, would not have been made an object of so much attention: I mean the stop supposed to have been put by orders from hence to the importation of gold into the colonies. That no orders were given for that purpose, that on the contrary orders were dispatched to prevent any interruption of the trade, and that the merchants concerned were consulted and satisfied, are facts which have been proved, and are now universally known: but the clamour raised upon the occasion may have mischievous consequences, which they who encouraged it must answer for. As groundless a complaint tho' of a different kind was made in relation to the Admiralty courts, as if the establishment were an innovation; or the use of them in support of revenue and commercial laws were a grievance; whereas in fact they are coeval with the colonies, and the appointment of judges to preside in them, is reserved to the crown in the original charters. The trial of offences against the act of navigation, and against the act of frauds is expressly given to them by those acts, passed



in the reigns of Charles the second and King William; the jurisdiction of justices of the peace in America under the statutes of Queen Anne for the preservation of the King's timber, is by the 8th G. I. transferred to a court of Admiralty, as being more proper judges in crown-causes than magistrates elected by the people: and in the same courts, the penalties under the sugar act of 6th Geo II. under 12th G. II. for allowing the exportation of sugars, and under 21st G. II. for encouraging the growth of indigo, are recoverable, from all which it appears, that the jurisdiction given to them in offences against the stamp act was agreeable to a constant series of plantation laws: and with respect to this particular branch of revenue, the proceedings are not very different here: for except in two instances only, which affect none but lawyers, the like offence against the stamp in Britain are triable in a summary way, without jury, before justices of the peace: these are far better magistrates than provincial, annual, elective justices; and yet cannot be thought as respectable as a judge of an Admiralty court, who has had an education suitable to the office he fills, and enjoys a salary adequate to his station. Provision was made for such a magistrate in the colonies in the year 1763, when one court of Admiralty was established at Halifax for all America, having concurrent jurisdiction with those which subsisted before, but which were fallen into disrepute, on account of the incompetency of the judges; as it was impossible to find persons qualified to preside in every distinct court, the only remedy to this which was the principal grievance, was to make the number unnecessary, by vesting in one judge equal powers with all the others, and annexing to the office such liberal appointments, as should induce men regularly educated here, to accept of it: but another inconvenience arose from the distance at which many of the provinces were from this

new

new seat of justice; and therefore a plan was formed in 1765 for removing the court from Halifax to New York or Boston, and for establishing two others at Philadelphia and at Charlestown: each of them to have certain provinces within its district, and all the judges large salaries: by which distribution every part of the continent would have been as near to its supreme court of Admiralty, as some parts of England are to Westminster-Hall; and with this view a clause was inserted in the stamp-act, directing that all offences against the laws relative to trade and revenue, which by the act of the former year were triable in the general admiralty court, should be prosecuted either in that of the province, or in any appointed or to be appointed which should have jurisdiction in the district where the offence should be committed. But this plan which was calculated for the ease and satisfaction of the colonies, not having been compleately carried into execution by the ministers who formed it, no progress was made in it by their successors: the grievance was left to rankle in the minds of the people; and now that the stamp act is repealed without excepting the clause above-mentioned, the intended alteration is defeated, and every matter, however trifling or however tedious, which can possibly arise from one extremity of the continent to the other, out of any of the acts of trade, or the whole body of the custom-house laws, may be carried at the will of the prosecutor to Halifax: all therefore that the last ministers did with respect to the admiralty-courts, so far as the mercantile people may be affected by them, was to frustrate the relief which had been held out, and to revive the inconveniencies, which the former administration had endeavoured to remove.

In this then which has been called so important an object, the present year is far from being marked with favour to the colonies: with respect to their other

commercial interests, whether peculiar to themselves, or common to them and to their mother-country, many proofs have been already adduced to shew, how much more liberally and more effectually they were consulted in the preceding years : and it must further be acknowledged that the trade of the colonies will suffer greatly by the total prohibition of their intercourse with Ireland : for by an act of the last sessions it is provided, that on taking any non-enumerated goods on board, bond shall be given in the same manner as for the enumerated commodities, not to land the same in any part of Europe to the northward of Cape Finisterre, except in Great Britain. Ireland is not within that description, and great quantities of corn used to be annually imported into that kingdom from the plantations ; the linen manufactories there almost depend upon the supply of flax seed which they procured from the colonies ; the consumption of pipe staves, and other articles of American produce was very large : the trade was necessary to Ireland, and of the utmost importance to the colonies, who there found an extensive vent for their commodities, and thereby made returns for their demand of British manufactures : and the loss therefore which in consequence of this interruption they sustain, will be a heavy balance against any advantages which may have been given to them.

And if upon the whole account the last ministers have not equal merit with the former, even in regard to the commerce of America ; in other branches of trade, they will not pretend to a competition : for excepting the bounty upon British-made cordage, and a few minute and official regulations, I do not recollect any steps taken by them for commercial purposes, or for the encouragement of manufactures ; for the prohibition of foreign silks was not I understand a ministerial measure ; and I have therefore passed it un-  
noticed.



noticed \*. Against this single bounty then when the comparison is drawn, stand all those many and important measures of the preceding ministry, which are not partial, or local, or speculative, but extensive as our commerce, various as our manufactures, and certain of their effects, upon principles and experience.

But the different management of the finances during the two periods will not even admit of comparison: they are direct contrasts: the one as distinguished for œconomy as the other for profusion: the former was all activity and vigour, exerted to oppose encroachments on the revenue, to detect frauds, and to rectify abuses: and researches were made on every side for encreasing the capital or the income of the nation: during the latter there was not energy enough in administration to enable the publick to avail itself of its own property; but universal relaxation, concession, and negligence prevailed: and the revenue, wherever they touched it, shrivelled before them: the resources which had been lately opened, were cut off: means already provided, were diverted from their proper application: others immediately in view, and distinctly pointed out, were overlooked; and sums which might have been brought in aid, were disregarded; improvements which had been begun, were checked; and all expectations of more, were disappointed; the endeavours which had been used to prevent a licentious dissipation of the public money, were frustrated: though estimates were swelled, debt was accumulated: and the sinking fund which had been fostered with so much care by the preceding ministers, which was raised to such a produce, and promised still more while it continued under their management, now

\* For the same reason I omitted the prohibition laid on foreign silk stockings, mits and gloves in 1765, the then administration having only consented to, not plan'd the measure.

incumbered with additional establishments, deprived of collateral support, and wasted by diminutions in the revenue, is labouring under charges and deficiencies, which spight of all reductions of interest, and operations of finance, will remain inherently fixed to prey upon it for ever.

The depression of public credit is the necessary consequence of such measures; and accordingly we see that the stocks do not now shew that disposition to rise which they did a twelvemonth ago, notwithstanding the order restored to the finances by the administration which was then dismissed, and the large produce of the sinking fund, and the provision made for the amount of the whole unfunded debt, (for though the Exchequer bills are still out-standing, yet the funded navy annuities which have been paid off are almost equal to them;) yet notwithstanding all these circumstances, which prove the abilities of this country, and natural effect which would be to raise its credit, yet the funds at the end of a year of profound peace feel now the abuses of that time, and though a little higher, are in a more uncertain situation than they were at the beginning, and lower than they have been in the course of it: I do not judge of them from accidental circumstances which may have affected them, but the general state of them for some time past marks doubt and apprehension, instead of that confidence which they had begun to assume. When the ministers who had done so much for the recovery of the finances were dismissed in July 1765, the price of the three per cents was about \* 87½. That event was not marked by any material alteration in the stocks; but as the effects resulting from the measures of those ministers did not

\* To prevent confusion in comparing the prices, at different times, I shall in stating them always deduct the dividends due upon them: I shall keep to the three per cents. as the best measure of the real value of the stocks.

cease immediately with their powers, the natural inclination of the stocks to rise in time of peace continued as long as those measures had any operation: the sinking fund could not sustain any great prejudice before the beginning of October, when the account of it was to be made up; and nothing could prevent the payment of 870,000*l.* upon the navy annuities at Christmas; till that time therefore the stocks kept up to an advanced price: and all the disturbances in America did not lower them; they were still at 91 to the end of December, when the whole extent of those disorders was public: but as soon as the new year commenced, and the abilities of the measures of the then administration began to be known, they immediately fell; nor was this occasioned by suspense about the fate of the stamp-act; for they continued after that was decided much below the point they had before arrived at, they remained so to the end of the last administration, and they are now that America is quiet, two per cent, lower than they were when it was known to be throughout in confusion: from hence a certain judgment may be formed of the real merits of those ministers: though such pains were taken to persuade the nation that they were popular; yet the monied men, they whose property was affected by their conduct, saw that property depreciated under such management, and lowered the price they expected for it: they knew the consequences of allowing extravagance to ravage, while deficiency was let in to consume the revenue: at the close of the account they found that the losses and charges of a year of peace, were equal to a fund sufficient to provide for a German campaign: and they feared that further depredations were impending: they observed that the relief expected by the landed-interest was removed out of sight; and that trade and manufactures were not even flattered with the hopes of any alleviation: they could perceive no  
 advance



advances made towards any great operations of finance, but on the contrary, the preparatory means which arise from oeconomy and improvement, abandoned, or diverted, or destroyed : and they dread the possibility of a war, while the opportunity of peace, the season to provide for it, was unprofitably passing away.

Nor is their confidence restored by the late changes in administration, as no assurance of a change of conduct can be derived from them, all the present ministers have been parties to, or having supported the measures of the last : public credit therefore is not revived by such an arrangement, it even seems to decline still more, for it feels that the evils which have affected it will grow inveterate by continuance, and shrinks under the apprehensions of further aggravations of them. These evils are the more hardly born, because they are not necessary ; and because they have dashed the hopes which were entertained, when six millions and a half of debt discharged or provided for, and an addition made of above four hundred thousand pounds to the national income, in the space of two years only, had proved the extent of the abilities, and the number of resources still left to this country : the stocks then rose ; and they would have risen to a much greater height than they are at now, if the same measures had been pursued ; but a different system has check'd the progress natural to them in time of peace ; and so long as that system prevails, we can pretend neither to an independency of trade, nor a permanency of power. Drooping credit, and revenue continually crumbling away, in a season of perfect tranquility, are alarming circumstances to a commercial people : and frustrate the provision necessary to be made against that day, when we shall be called upon to maintain the ascendancy we have acquired in Europe : it will not remain with us long, our trade, cannot be protected, our colonies

lonies cannot be preserved, our very existence cannot be secured, if the finances of the kingdom be ruined: in vain may we discipline armies, build fleets, or form alliances, while the means to make use of them are wanting; and by a steady and judicious management of the revenue, and by that alone, can those means be procured. We have seen how much may be gained in a short time by such management; we have seen how much may be lost in less time by a contrary conduct: let us judge then of the measures by their effects: and of the ministers by their measures: the decision is important; for the state of the nation depends on the system which is chosen for the administration of the finances.

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## STATE OF THE NATION,

IN THE YEARS 1766 AND 1767.

WRITTEN BY THE RIGHT HON. CHARLES TOWNSHEND,  
AT THAT TIME CHANCELLOR AND UNDER TREASURER OF THE EXCHEQUER.

[NEVER BEFORE PRINTED.]

**S**TATE of the supply of the year 1766 and 1767, compared with encrease and decrease in the several articles of each service, and the actual difference upon the whole expence of each service; the debt, national and annual, discharged in each year; the ways and means of each year, with the difference in the articles. A full explanation of the grounds upon which the several parts of the revenue are computed at the present produce; the nature, explanation and amount of the large savings carried to the current service; the terms of the loan; the propriety of the duties,

duties, and calculation of their produce applied to discharge the interest of the loan; the whole debt discharged, and the encrease of income to the sinking fund.

SUPPLY NAVY	1766			1767		
	l.	s.	d.	l.	s.	d.
16,000 Men for sea service	832,000			832,000		
Ordinary of the navy	412,983	6	3	409,177	4	8
Rebuildings and repairs of ships	277,300			298,144		
For purchasing hemp to replenish his Majesty's magazines				30,000		
	<hr/>			<hr/>		
	1,522,283	6	3	1,569,321	4	8
				1,522,283	6	3
	<hr/>			<hr/>		
Encrease in 1767				47,037	18	5
Which ariseth thus						
Encrease in the establishment of rebuildings -	20,844					
Ditto for hemp	30,000					
	<hr/>					
	50,844					
Deduct decrease in the ordinary estimate - -	3,806	1	7	47,037	18	5
	<hr/>			<hr/>		

ORDNANCE	1766			1767		
	l.	s.	d.	l.	s.	d.
Ordinary estimate	180,445	19	3	169,600	0	2
Extraordinary ditto -	35,061	6	2	51,190	6	6
	<hr/>			<hr/>		
	215,507	5	5	220,790	6	8
				215,507	5	5
	<hr/>			<hr/>		
Encrease in 1767				5,283	1	3

Which arises thus						
An encrease in the extraordinary expence of last year	16,129	0	4			
Deduct a decrease in the ordinary estimate	10,845	19	1	5,283	1	3
	<hr/>			<hr/>		

ARMY



## ARMY

	1766			1767		
	l.	s.	d.	l.	s.	d.
Guards and garrisons	605,608	19	9	593,986	15	7
Plantations, &c.	394,505	1	3½	405,607	12	11½
General and staff-officers,	11,291	8	6½	12,203	18	6½
Reduced officers of the land-						
forces and marines, and						
allowances to horse-guards	138,674	0	0	137,403	0	0
Out pensioners of Chelsea-						
hospital,	109,875	16	8	106,083	2	6
Pensions to widows	1,614	0	0	1,536	0	0
Full pay to officers of tenth						
companies	5,718	6	8	5,633	3	4
Difference between Irish and						
British pay for six regi-						
ments	7,993	11	4	7,301	14	7
Extraordinaries	479,088	10	6½	315,917	16	5
	1,754,369	14	9½	1,585,572	13	11½
	1,585,572	13	11½			

Decrease in 1767 168,797 0 10½

Which ariseth thus,

On the guards and garrisons	11,623	4	2
On the reduced officers and horse-guards	1,271	0	0
Chelsea hospital	3,792	14	2
Pensions to widows	78	0	0
Full pay to officers of tenth companies	85	3	4
Difference between Irish and British pay for six			
regiments	791	16	9
Extraordinaries of 1767, less than those of 1766	163,170	14	1½
	180,811	12	6½

Deduct articles of estimate

On plantation estimate	11,102	1	8
General and staff-officers	912	10	0
	12,014	11	8
	168,797	0	10½

## MISCELLANEOUS SERVICES.

	1766			1767		
	l.	s.	d.	l.	s.	d.
Pay and cloathing the militia	150,000	0	0			
British Museum	2,000	0	0			
Nova Scotia debt	8,008	12	7	691	8	0
Civil establishmt. of Nova Scotia	4,866	3	5	4,866	3	5
Do. of East Florida	5,250	0	0	4,750	0	0
Do. of West Florida	5,300	0	0	4,800	0	0
Do. of Georgia	3,986	0	0	3,986	0	0
Do. of Senegambia	5,550	0	0	5,550	0	0
Surveys in North America	1,782	4	0	1,601	14	0
African forts	13,000	0	0	13,000	0	0
Foundling hospital	33,892	10	0	20,000	0	0
To replace payments pur-						
suant to addressees				12,951	2	2
Discount for prompt pay-						
ment of loan 1766	5,097	6	11			
Q. of Denmark's portion				40,000	0	0
Passage to H. of Commons				2,000	0	0
Mr. Swinton				700	0	0

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238,734 16 11    114,896 7 7

Decrease in 1767    123,838 9 4

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238,734 16 11

Decrease ariseth thus,

Charge of militia				150,000	0	0
British Museum				2,000	0	0
Nova Scotia debt				7,317	4	7
East Florida establishment				500	0	0
West Florida do.				500	0	0
Surveys in North America				182	10	0
Foundling hospital				13,892	10	0
Discount for prompt payment of loan 1766				5,097	6	11

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179,489 11 6

Deduct increase in the following articles,

To replace payments pur-						
suant to addressees	12,951	2	2			
Q. of Denmark's portion	40,000	0	0			
Passage to H. of Commons	2,000	0	0			
Mr. Swinton	700	0	0			

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55,651 2 2

Decrease in 1767    123,838 9 4

DEFE-

DEFICIENCIES.

	1766			1767		
	l.	s.	d.	l.	s.	d.
To replace payments out of the sinking fund -	227,722	15	1 $\frac{3}{4}$	177,226	14	1
Deficiency of grants	291,328	0	4 $\frac{1}{4}$	129,144	2	8
Do. of land-tax	205,717	13	1 $\frac{1}{4}$	380,000	0	0
Do. of malt-tax	175,904	11	11 $\frac{1}{2}$			
Do. of carriage duty	4,944	0	1 $\frac{1}{2}$			
	905,617	0	8 $\frac{1}{4}$	686,370	16	9
Decrease in 1767	-	-	-	219,246	3	11 $\frac{1}{4}$
				905,617	0	8 $\frac{1}{4}$

Decrease ariseth thus,  
In deficiency of funds, &c.  
made good to the sinking  
fund -

	50,496	1	0 $\frac{3}{4}$
In the deficiency of grants	162,183	17	8 $\frac{1}{4}$
In the carriage duty -	4,944	0	1 $\frac{1}{2}$
In the deficiency of land and malt -	1,622	5	0 $\frac{3}{4}$
	219,246	3	11 $\frac{1}{4}$

Exchequer bills - 1,800,000 0 0 1,800,000 0 0

DEBTS PAID OFF

	1766			1767		
	l.	s.	d.	l.	s.	d.
Navy annuities	870,888	5	5 $\frac{1}{2}$	1,741,776	10	11
Navy debt -	1,200,000	0	0	300,000	0	0
German demands	106,043	13	8 $\frac{1}{4}$			
Landgrave of Hesse	50,000					
25 per ct. on 4 per cents 1763	-	-	-	875,000	0	0
	3,226,931	19	1 $\frac{3}{4}$	2,916,776	10	11
	689,844	11	9 $\frac{1}{4}$			
	2,916,776	10	11			



RECAPITULATION OF SUPPLY.

	1766			1767		
	l.	s.	d.	l.	s.	d.
Navy	1,522,283	6	3	1,569,321	4	8
Ordnance	215,507	5	5	220,790	6	8
Army	1,754,369	14	9½	1,585,572	13	11½
Miscellaneous services	238,734	16	11	114,896	7	7
Deficiencies	905,617	0	8½	686,370	10	9
Exchequer bills	1,800,000	0	0	1,820,000	0	0
Debts paid off	2,226,931	19	1¼	2,916,776	10	11
	<hr/>			<hr/>		
	8663,444	3	3½	8,893,728	0	6½
Encrease of supply 1767,	230,283	17	3			
	8,893,728	0	6½			

Difference ariseth thus,

Decrease 1766			Encrease 1767		
	l.	s. d.		l.	s. d.
Army	168,797	0 10 $\frac{1}{2}$	Navy	47,037	18 5
Miscs. articles	123,838	9 4	Ordnance	5,283	1 3
Deficiencies	219,246	3 11 $\frac{1}{2}$	Debts paid off	689,844	11 9 $\frac{1}{2}$
<hr/>			<hr/>		
	511,881	14 2 $\frac{1}{2}$		742,165	11 5 $\frac{1}{2}$
			Deduct decrease	531,881	14 2 $\frac{1}{2}$
<hr/>			<hr/>		
				230,283	17 3

# WAYS AND MEANS OF 1766 AND 1767.

	1766.			1767.			Encrease.			Decrease.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Land Tax,	2,000,000	0	0	1,500,000	0	0				500,000		
Malt Tax,	750,000	0	0	750,000	0	0						
Sinking Fund,	2,150,000	0	0	2,430,000	0	0	280,000	0	0			
American Rev.	60,000	0	0	110,000	0	0	50,000	0	0			
Gum Senegal,	12,000	0	0	12,000	0	0						
Exchequer Bills,	1,800,000	0	0	1,800,000	0	0						
Ann. & Lottery,	1,500,000	0	0	1,500,000	0	0						
Surplus of sinking fund to												
Christmas last,				49,269	4	4	49,269	4	4			
Militia money												
comp.	80,000	0	0	150,000	0	0	70,000	0	0			
French Prisoners,	181,000	0	0	181,000	0	0						
French Prizes,	28,000	0	0	24,000	0	0				4,000		
Sale of lands in the ceded islds.	30,000	0	0	50,000	0	0	20,000	0	0			
Savings,	78,266	18	10	303,774	2	5	225,507	3	7			
	8,669,266	18	10	8,860,043	6	9	694,776	7	11	504,000		
				8,669,266	18	10						
Encrease				190,776	7	11						

Difference ariseth thus,

	Encrease 1767.			Decrease 1767.		
	£.	s.	d.	£.	s.	d.
Sinking Fund,	280,000	0	0	Land Tax,	500,000	
Surplus of Do.	49,269	4	4	French Prizes,	4,000	
Militia Money,	70,000	0	0			
American Revenue,	50,000	0	0	Decrease 1767	504,000	
Sale of lands in the Ceded Islands,	20,000	0	0			
Savings,	225,507	3	7			
Encrease in 1767	694,776	7	11			
Decrease in 1767	504,000	0	0			
Encrease in 1767	190,776	7	11			

As some of the articles in the Ways and Means of this year are estimated at a larger amount than they were taken for in the last, it may be necessary to explain the grounds of this computation.

The Produce of the sinking fund			
taken by Mr. Dowdeswell, at	2,150,000	0	0
Besides which sum it yielded			
enough to discharge the arrear			
of 30,868l. due to make good			
the sum taken in Mr. Grenville's			
year	30,868	0	0
It left a surplus at the end of			
Christmas quarter, of	49,269	4	4
	<hr/>		
	2,230,137	4	4

To these sums, I add the sum of 35,325l. the interest accruing to the sinking fund, by the proportion of annuities paid off at Christmas 1766; the interest of which was paid out of the growing produce of the sinking fund, with a small sum for the consequential diminution in the charge of management.

I do also add the sum of 80,000l. as the charge paid last year for debentures due upon the exportation of corn, which being paid off the customs, the surplus of which, constitutes in part the produce of the sinking fund; and being also a debt upon the customs which cannot occur again: the sinking fund will ne-

35,325 0 0

Carried over,	2,265,462	4	4
	<hr/>		
			cessarily



Brought forward, - - - 2,265,462 4 4  
 necessarily be so much enriched,  
 as the income of the customs  
 shall be relieved. - - - 80,000 0 0

The last additional sum which I  
 have, amounts to 84,604l. 3s. 3d  
 which has laid dormant in  
 the exchequer, from 1753. It  
 ariseth thus :

By the 5th and 6th of King Wil-  
 liam, certain annuities were  
 granted upon the tax upon beer,  
 the surplus of which upon  
 deaths, by the 1st of George 1st.  
 is carried to the aggregate fund;  
 but as on the quarter-day, it is  
 not known whether the sums  
 unclaimed are from delay or  
 deaths, it is the practice of the  
 exchequer to detain 8,000l. to  
 answer such possible demands;  
 the savings now in the exche-  
 quer, upon this article, since  
 1753, consisting of money then  
 detained, and never since claim-  
 ed, amounts to - - - 84,604 3 3

£. 2,430,066 7 7

In 1753 Mr. Pelham took 104,000l. from the same  
 fund and carried it to the service of the year, without  
 any security for the supposed creditor, but it is now  
 carried to the aggregate fund, whose surplus consti-  
 tutes in part the sinking fund; and which is in words  
 made liable to the same creditor, by which the latter  
 of parliamentary faith is kept, though the demand is  
 impossible.

Produce of American revenues of this year, taken for £. 110,000

It was taken last year, at 60,000

1st. The foundation of the present calculation is upon the reduction of the duty from three pence on Molasses, (under which high duty the greater part was smuggled) to one penny per gallon, which is less than the risque and charge of smuggling; and one penny on 80,000 hogsheads their known consumption, 38,000

2dly. The produce of the duty of 7l. per ton on wines, from the places of their growth; and ten shillings per ton on wine from Great Britain, imported into America, is taken upon the actual receipt of last year. 22,000

3dly. The produce of the duty of five shillings per cwt. on foreign sugars imported, is taken upon very authentic accounts, confirmed by last year's receipt. 10,000

4thly. It appears by the receiver-general's account, that he has now in hand of the revenue of last year, 12,000

5thly. There was collected, and in the course of remittance, though not yet arrived, 10,000

£. 92,000

6thly. I add for the produce of the whole revenue from Michaelmas last, (the time to which the collector's accounts were made up) to the present April, 18,000

£. 110,000

Sales of lands in the ceded islands  
this year, for 50,000l.

In 1765 they amounted to	-	127,133	7	0
Paid by the purchasers for surveying their lands,	-	378	6	6
		<hr/>		
		127,511	13	6

Sales in 1766, a-  
mounted to 63,494 3 6½

Paid by the pur- chasers for sur- veying their lands,	428	1	10½	
	<hr/>			
	63,922	5	5	

Amount of sales in 1765 and 1766,	191,433	18	11	
Fines of leases to French inhabitants,	15,876	6	0	
For temporary possessions,	-	361	10	4½
	<hr/>			

Total of sale of lands and leases in 1765 and 1766, payable by install- ments in the course of five years,	207,671	15	3½	
--	---------	----	----	--

Of which there has been already re- ceived 20 per cent. on 127,133l. 7s.				
the sales of 1765,	-	25,426	13	4½

20 per cent. on 63,494l. 3s. 6d. sales of 1766,	-	12,698	16	8½
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Fines, and for surveys of lands,		17,044	4	9
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10 per cent. on the sales of 1765, payable in 1766,	-	12,713	6	8½
--	---	--------	---	----

67,883 1 6½

Paid and reserved for salaries and contingencies to Christmas 1767,	38,635	10	1½	
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In the receivers hands, about 30,000 0 0  
 Add 10 per cent. payable in 1767,  
 on 191,433l. being the amount of  
 the sales in 1765 and 1766, which  
 is - - - 19,143 7 10½  


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 £. 49,143 7 10½

An account of savings arising upon grants for the pay  
 of several regiments upon respitted pay, by off  
 reckonings, and by stoppages made for provisions  
 delivered to the forces in North America and the  
 West Indies; and at Minorca to the 24th of De-  
 cember 1764, and by the Earl of Chatham's ba-  
 lance as late paymaster-general and on the vote of  
 credit 1762.

Savings on regulars in the years 1759,		
1760, 1761 and 1762	-	40,647 12 3
Do. on militia, annis 1760, 1761,		
and 1762	-	3,134 16 8
Respits on militia in 1761,	-	610 9 4
Do. on regulars in 1762,	-	573 3 5
Off reckonings in 1759, 1761, 1762,		
1763 and 1764,	-	21,036 11 2
Stopped for victualling Lord Forbes's		
2d battallion in 1759,	-	144 11 8
Do. sundry regiments at Minorca		
in 1763 and 1764	-	14,211 10 8
Do. for provision issued in North		
America,	-	20,025 19 5½
Cash received from Mr. Napier, be-		
ing a balance in his hands as di-		
rector of the hospitals in North		
America,	-	1,186 18 8
Carried over,		101,571 13 3½

Brought

	l.	s.	d.
Brought over, - -	101,571	13	3 $\frac{1}{4}$
Received of the Earl of Chatham, formerly paymaster-general of his majesty's forces, for the balance remaining over and above the sums of money, found necessary to be applied for defraying the expences of the forces in former years, -	90,000	0	0
A saving out of the sum of 1,000,000l. granted in the 2d year of his ma- jesty, on account to enable him to defray the extraordinary expences of the war for the service of the year 1762; and to assist the king- dom of Portugal, the grounds of which are explained in a former paper, - -			
	70,000	0	0
	<hr/> 261,571 13 3 $\frac{1}{4}$ <hr/>		

An account of Monies remaining in his Majesty's  
Exchequer, disposible by Parliament.

Imprest money repaid by John Brif- towe and John Gore, out of the 100,000l. granted by his majesty to the sufferers at Lisbon, -	1,450	18	0
Do. by Robert Dinwiddie, Esq. late governor of Virginia, -	308	16	6
Do. by John Powell, Esq. -	198	19	2
Do. by Sir William Barker, Knight, from Nova Scotia, -	6,000	0	0
Do. by Major General Campbell, now Duke of Argyle, -	374	1	8
	<hr/>		
Carried over, - -	8,332	15	4
O 4	Brought		

	l.	s.	d.
Brought over, - - -	8,332	15	4
Imprest money repaid by Z. Phil. Formereau, J. Walpole, and Mer- ric Burrell, Esqrs, - - -	20,000	0	0
Do. by Thomas Francis, Esq. out of the money advanced to him to sa- tisfy the losses sustained by the distemper amongst the horned cat- tle, - - -	2,607	7	4
Duty on Gum Senega, - - -	5	14	0
Apples imported, - - -	38	7	6
Duty on Cambricks since 1st August, 1766, - - -	1,152	4	0
Forfeitures for breach of Parole of French Prisoners of War, - - -	230	0	0
Do. for Treason, - - -	637	0	0
	<hr/>		
	35,202	8	2
Add money remaining in Mr. Lloyd's hands late Paymaster of the widow's pension, - - -	7,000	0	0
Savings in the Pay-office, as before mentioned, - - -	261,571	13	3½
	<hr/>		
	£. 303,774	1	5½

LOAN



LOAN, 1767:

Same as last Year.

£.

900,000 Annuities, at 3 per cent.

600,000 Lottery Tickets, at 10l. bearing interest  
of 3 per cent.

1,500,000 Interest on Annuities, to commence from  
5th January, 1767.

Interest on Lottery, to commence from  
5th January, 1768.

Price of 3 per cents. consolidated, when the

Loan was made at - - - 88 $\frac{7}{8}$

Price of 3 per cents. consolidated, when the

Loan was made last year, which was about  
the latter end of March, taken at a medium,  
was - - - 88 $\frac{7}{8}$

On 28th of March, last year, highest

price of 3 per cents. was - 88 $\frac{7}{8}$

Lowest price of Ditto, - - 85 $\frac{7}{8}$

Medium price, - 88 $\frac{7}{8}$

300l. at 88 $\frac{7}{8}$ , comes to - 266 12 6

200l. in Tickets, at 11l. 13s. 4d. 233 7 6

500 £. £. 500 0 0

DUTIES.

## D U T I E S.

It was difficult to find Duties for so large a sum, it was impossible to encrease the burthens on our trade with prudence; it would have been odious if it had been practicable: New taxes on persons, or property, or luxury, would have been equally difficult and unpopular; and therefore it was thought advisable to enquire accurately into the state of our Manufactures, and endeavour to learn in what cases they might be relieved by regulations, which should be expedient as regulations are fruitful as revenue.

The articles chosen for this purpose were,

Chip and Straw Hats,

Canvas Drillings,

Russia Sheetting.

The former is an article in general use; foreign manufacture; cheap price; the manufacture of a country that prohibits our manufactures. It interferes with our Dunstable hats and fur trade; its price has of late years been reduced, by the improvements in making it abroad, from 12s. per dozen to 4s.; and with the duty of 6d. now laid, the chip hat will be cheaper hereafter, than it was twenty years passed, with a duty of a halfpenny; because the diminution in the price of the thing is greater than the increase of the duty.

## Chip and Straw Hats.

Annual medium quantity imported, from		doz.
1762 to 1766,	-	125,735
Do. exported,	-	7,268
		<hr/> 118,467
118,467 dozen imported with a duty of 6s.		<hr/>
per dozen, will amount to	-	£. 35,540
7,268 exported, do. 3s. per do.	-	1,090
		<hr/>
Produce,	-	7. 36,630
		CANVAS

## CANVAS DRILLING,

Is a species of coarse linnen, worn for men's frocks, and brewer's and distiller's aprons; the present duty on Russia Canvas Drilling, is 1d. and 1-20th per ell, which is 6 per cent. on the value of the manufacture.

New within these thirty years,

Hurts the coarse manufactures of Yorkshire, Wiltshire, Gloucestershire, and the Fustians of Lancashire, and some linnens made at Manchester. New duty is 3d. per ell, which added to former duty, together, will amount to 24 per cent.

	Ells.
Drillings imported from 1761 to 1765,	4,571,127
Do. exported Do. -	427,024
	<hr/>
Remains for home consumption, -	4,144,103
	<hr/>
Annual medium of remains for do.	828,820
	<hr/>

A duty of 3d. per ell upon 828,820 ells, will amount to 10,360l. 5s.

The medium encrease of Drillings, imported annually, from 1756 to 1765, is 162,002 ells.

The general duty upon narrow German linnens of the same breadth and less value, amounts to 25l. per cent.

The Russians have laid an additional duty on Pewter.



## BROAD RUSSIA SHEETING.

The present duty on Broad Russia Sheeting, not exceeding an ell wide, rated as Broad Germany, pay 3d. and 4-24ths. per ell, which is about 10 per cent. the width one yard wide: From Holland and Flanders the same manufacture pay from 13d. to 16d. an ell, which is upon average 30 per cent.

Has so much prevailed these 30 years, as to drive out Lancashire, Yorkshire, Durham and other northern counties, and much injured the Irish Sheeting?

The duty of 3d. per ell makes the whole duty about 20 per cent.

	Ells.
Broad Russia Sheeting imported from 1761	
to 1765, - - -	6,360,887
Do. exported, Do. - - -	948,608

Remains for home consumption -	5,412,279
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Annual medium of remains for -	1,082,455
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A duty of 3d. per ell upon 1,083,455  
ells, will amount to - £. 13,530 13 9

Annual medium encrease for 3 last years 339,396 ells.

	l.	s.	d.
Amount of duty on hats, -	36,630	0	0
Do. on Drillings, -	10,360	5	0
Do. on Broad Russia Sheeting,	13,530	13	9
	60,520	18	9

## DEBTS DISCHARGED.

	1766.			1767.		
	l.	s.	d.	l.	s.	d.
Navy annuities,	870,888	5	5½	1,741,776	10	11
25 per cent. on 4 per cents. 1763,				875,000	0	0
Navy Debt,	1,200,000	0	0	300,000	0	0
Deficiencies,	905,617	0	8½	686,370	16	9
Extraordinaries of the army,	479,088	10	6½	315,917	16	5
Ordnance, do.	35,061	6	2	51,190	6	6
Nova Sco. debt,	8,008	12	7	691	8	0
German demds.	106,043	13	8½			
Landgrave of Hesse,	50,000	0	0			
	3,654,707	9	2	3,970,946	18	7

	1766.			1767.		
Public debt dis-						
charged,	2,226,931	19	1¾	2,916,776	10	11
Annual ditto,	1,427,775	10	0¼	1,054,170	7	8
	3,654,707	9	2	3,973,946	18	7

Public debt dis-						
charged,	2,226,931	19	1¾	2,916,776	10	11
Deduct Loan,	1,500,000	0	0	1,500,000	0	0
	726,931	19	1¾	1,416,776	10	11

Improvements to the Sinking Fund next  
year, in consequence of the observation  
of this, - - - - - £. 104,671

The redeemable 4 per cents. which will re-  
main in the market in 1768, will amount  
to - - - - - £. 2,625,000  
Total

	1766.			1767.		
	l.	s.	d.	l.	s.	d.
Total of Ways						
and Means, 8,669,226	18	10 $\frac{1}{2}$		8,860,043	6	9 $\frac{1}{2}$
Total of Sup. 8,663,444	3	3 $\frac{1}{2}$		8,893,728	0	6 $\frac{1}{2}$
Excess of Ways						
and Means, 1766, 5,002	15	7				
Deficiency of do.						
1767,	-	-		33,684	13	8 $\frac{1}{2}$

The result of the operation and system of the year, is in few words, this: The supply of the year, (properly so called,) are upon a more expensive plan than ever; the ordinary income of the year, less, from the reduction of the reduction of the Land-tax; the whole debt discharged has been - - £. 3,970,946 18 7

Of which the public debt, (properly so called,) amounts to 2,916,776 10 11

Ample duties have been found to pay the interest of the Loan, and of such a nature, as would have made them expedient as regulations of trade, if not wanted as sources of revenue; and the whole interest of the whole debt paid off, has been carried entire to the sinking fund, which is thereby encreased in the sum of 104,000l.; and the Navy debt has been brought to such a level, as to enable the Treasury to prevent any bills being at interest, and to pay the yards punctually to, the great comfort of the poor labourer, the credit of government, and the œconomy of the service in all their subsequent contracts; and all this with the stock at a lower rate than they have been since the peace. The trade with Portugal almost discontinued,



no export of corn; the Spanish fleet dispersed; gold at an enormous price; exchange against Great Britain; the East-India Company under enquiry without decision; and the East-India stock at 256l. per cent.

A SPEECH, AGAINST THE SUSPENDING AND DISPENSING PREROGATIVE, &c \*.

“IT IS BUT FORTY DAYS TYRANNY AT THE OUTSIDE.” Per Legem Terræ.

*Populus Romanus beneficii et injuriæ memor esse solet.*

*Nemo civis, qualis sit vir, potest latere.*

—Quemdam, hominem nobilem, factiosum, novis rebus studere, advorsum quem—neque LEGES valerent.

*Neque modestia, neque modus contentionis erat.—*

*Sed eos frequens Senatus judicavit contra REMPUBLICAM et salutem omnium dixisse.*

SALL.

**P**ERMIT me, late as it is, to express my thoughts upon one of the most momentous subjects, in my opinion, that I have ever heard agitated in ———t.

I hardly

\* An act passed in 1765, prohibiting the exportation of corn, expired on the 26th of August, 1766, and the crop of 1766 having failed in many parts of Europe; our merchants had large orders to send corn to Spain, Portugal, Italy, &c. the moment the prohibiting law should expire: this alarmed the lower sort of people, who became exceedingly riotous, and assembled in bodies, at different places to prevent this exportation. Corn rose to a great price, and government seeing the matter likely to become serious, issued a proclamation on the 26th of September, laying an embargo on all outward bound ships laden with corn or flour. This was suspending the law, under which the exportation

I hardly know what more important matter could occupy your — attention, short of a question touching the actual dissolution of government. Sure I am, if what we have this day heard strikes your —, as it does me, it must have brought fresh to your remembrance the fatal ground upon which that unhappy question was decided, with a vengeance, when it was debated in th— h—e, near fourscore years ago.

We are, as it were surprized into a debate upon the dispensing power, and what astonishes me still more, we are got at least some of us, into a vindication and defence of it;—a thing I had long thought so odious in its very name, but so settled in the notions of it and so exploded in theory as well as practice that no body ever thought of it, but, to hate it, and to thank god it was utterly exterminated out of the pure solar system of the English Government and English Liberty.

One — — has told us he rose in this debate not as a patron of liberty in the modern phrase as he was pleased to call it, but a patron of law. Modern phrase

tation was authorized by the power of the king only. That it was necessary to stop the exportation every man admitted, but many said, parliament ought to have been called, and to have been made the judges of the necessity; and if it was necessary to suspend the law, it ought to be done by an act of the three estates, and not by the king alone. The ministry defended, and attempted to justify their conduct upon the principles of law and right. And Mr. Alderman Beckford asserted, "That whenever the public is in danger, the king has a dispensing power." His words being taken down, he was called upon for an explanation, which he gave, by saying, "Whenever the Salus Populi requires it." The argument upon this great and interesting question was fully stated in the above pamphlet; which was by many ascribed to Lord Mansfield: but this was not true, for it was written or sketched out first by Mr. Mackintosh, and afterwards corrected and great additions made by Lord Temple and Lord Lyttelton.

did

did the — — say? I hope it will never cease to be a modern phrase; though it is an ancient, and has in all countries been a glorious title. Our ancestors were patrons of liberty at the cost of their lives; but they secured our liberty by protecting the law against a dispensing power, which they resisted unto blood. *Quid a majoribus defensum est aliud quam libertas: neu cui nisi legibus pareremus!* Shall we then be the *præclara proles, geniti ad ea, quæ majores virtute peperere, subvertenda!* We are yet free, and “The freedom of men” under government is to have a standing rule to live “by common to every one of the society, and made “by the legislative power created in it.” So says Locke, who is appealed to as a great authority. What he says in these few words is equally in favour of law and liberty. I shall be proud to shew myself the patron of both.

—, The same — has been pleased to claim, if not the whole, yet the best knowledge of the constitution on behalf of the profession which has raised his — to the stations he has enjoyed. But I have always looked upon lawyers, at the best, to be but the most skilful midwives to help forward the birth of the wisdom of great Statesmen, sound, enlightened and enlarged politicians, to the energy and sagacity of whose genius, in all ages, and in every country, the best models of government have been most indebted: of this the appeal made to day, as well as on a late notable occasion, to the speculations of Mr. Locke, that great philosopher, legislator and senator, (as we have been told he was) is a strong proof.

This also I will be bold to say from the history of England, that our liberties owe most to great noblemen who were not lawyers, Sure I am lawyers have often appeared amongst us, to be the worst guardians of the constitution, and too frequently the wickedest enemies



to, and most treacherous betrayers of the liberties of their country. Of this truth the preamble of the bill of rights, which the — has himself appealed to in the debate, as his chief, though I think, much mistaken and much misrepresented authority, will be a perpetual monument, in the these words: “Whereas K. J. II. by the assistance of divers evil counsellors, judges “and ministers, employed by him did endeavour to “subvert and extirpate the protestant religion, and “the laws and liberties of this kingdom.” Certain it is, that no arbitrary prince, when meditating the subversion of the constitution, ever was at a loss for lawyers and judges to second his designs; in spite of their learning, and in spite of the religion of the oaths that bound them to support and maintain the constitution. And so ship-money and the dispensing power have in former times, had the vile countenance, and if it could be so called, the authority of the bench, and of the sages, or the fathers of the law (as Charles I. named his ship-money judges) while a Hampden, and such like patriots, who were the greatest honour, and the greatest blessing of England in their day stood forth the saviours of their country, by resisting the usurpations of the crown, supported by the perfidy of corrupt judges.

Such a sort of monopoly as the — — suggests in favour of the long robe favours too much of what a lord keeper (who made many excellent prerogative speeches for Charles the first) said in the conclusion of the speech he delivered, after publishing that shameful opinion of the judges on ship-money. The words I allude to are these: “If any contrary opinion should “yet remain among men, it must proceed from those “who are sons of the law.” Of the latter, I will say, “*Felices demum essent artes, si de illis solum judicaret art-  
fices.*” So that prerogative lawyer was for keeping the judgment of the constitution to the art and myste-

ry of the law. Y— — will not, from the occasion, be fond of adopting the example.

If the — — has now got so high an opinion of the advantages of the long robe I remember when he had it not. But this is not the only proof this day has furnished from his — and from some others too of the wonderful change in opinions, that difference of interests, as well as situation, brings with it. For I think the same — has likewise told us to day, that we are undone by divisions though I cannot recollect the time when his — regretted in th— h—e that we were ruined by an intoxicated unanimity, under an a—n of which one of his new friends constituted a most brilliant part. I congratulate the — on this change of mind for the better, which is more than I can say of all the opinions his — has given to day, though I believe they proceed also from a new light. I cannot however say, the = and —'s opinions are modern. They are old, and, what is more, they are antiquated. His — has but revived an old farce, not acted near these hundred years. It will therefore be fit, I think, to examine opinions that have slept so long, before they are restored or licensed, so as to pass current.

But it is necessary, for preventing mistakes, to premise, that I heartily concur with all your — who have spoke in the debate, in expressing my approbation of the measure immediately under consideration, when taken, — the embargo on wheat and wheat flour laid by order of council so late as the 26th of September. The evil of an enhanced price of that grain, which had for so considerable a time before been prognosticated, and growing by a quick pace, was then come to so alarming a height that it awakened even our a——n from the pleasing dream of pecuniary emolument, and extravagant compensations, most liberally doled about to one another, beyond the

example of any former time. It awakened them to the cries and risings of the poor, and at last made them take notice that there was such an imminent danger of famine, that it became indispensibly necessary to put a stop to the exportation : And by a long prorogation of parliament, which themselves had so culpably advised, that there was no other way left of doing it, but by an interposition of the royal power. I choose to use that word, though authority is the word used in the S—, from the T—, because I materially distinguish between the two expressions, for reasons I shall afterwards give.

— —, On the other hand, I most warmly deplore and lament the calamity produced by the want and dearth of provisions, mentioned likewise in the speech, I mean that spirit of insurrection, riot and disorder, that has gone forth, and rages in all corners of the kingdom, big with fire and sword, to afflict a country, already groaning under a weight and pressure of evils, greater than she can bear. It would ill become this place to palliate or excuse on any account whatever, such dangerous tumults and riots, much less to incite and encourage them, by saying as I have once heard it said within these walls, by one sworn to execute the laws, that the subjects, cruelly harrassed by burthens and other greivances, imposed upon them by the legislature, are made desperate. This daring and lawless expression, I confess, related only to the justification of the American subject in wanton rebellion. God forbid that I should adopt the detestable language even in favour of the English subject, taxed till the power of taxing can no further go, famished, and starving. It must, however, grieve one to see the nerves of government so totally relaxed, and its proper energy and vigour almost wholly lost. The truth of the matter, and the root of the evil is, we have had no government for some years, or, which is much the same,



same thing, we have had the form of it only, without any reality, energy, or spirit, descending ever from bad to worse.

*Tota discors machina divulgata turbat fœdera mundi.*

And the — — in the blue ribbon has too good reason to put us in mind of what he told your — last year, that you would import rebellion from America. Would to God he had not been so true a prophet! The indulgence shewn to Americans is not I fear! altogether free of the blood that must be sacrificed, in England, at the altars of justice; to restore and preserve peace and good order, maintain authority and secure property. Nor can I quit the blunders of administration in this very corn business of that charge. I am afraid, the unseasonable, and extraordinary long prorogation of parliament which excluded the prospect of relief from famine, by a legal prohibition of the exportation, had no small share in producing the riots and risings: And by a shameful blunder in the proclamation against forestalling, misreciting the laws it promulgates, a pretence, was given for the riotous people to seize the grain for their own use, under a mistaken notion that the grain itself was forfeited, as the proclamation declares it to be, instead of a forfeiture, of the value of it, which is what the misrecited statute enacts.

I said I approved of the embargo as necessary, when laid on; but I do not approve, on the contrary I complain of the preceeding conduct of administration, by which they brought themselves into that dilemma, which necessitated them to advise his M— to that measure by what is called the royal authority. And as to the principles I have heard laid down to day, and the doctrine that has been advanced in justification of the legality of the embargo; so far am I from approving of them, or acquiescing in them, that I cannot even hear them with patience. I declare they make all the Whig

blood in me boil; for, to use an expression that has, I think, been miserably misapplied on the other side, these doctrines, if adopted, lay the ax to the root of the constitution. They can tend to nothing but an utter subversion of the power of parliament, and of the most fundamental and essential rights and liberties of the subject. Upon my word, if I did not know I was awake, I should be apt to think I had been in a dream, and that some fairy midnight scene had carried my imagination back an hundred and thirty or forty years, in an illusory audience of some of the speeches of a James or Charles, or their Lord Chancellors and lord keepers; for with no other standard of the prerogative, that I know of, will such notions square; and these they will fit.

I shall hereafter endeavour to point out that assemblage of circumstances on which I found the complaint of blunder, inattention, and neglect in the administration: But your—will allow me, in the first place, to consider the general doctrine that has been drawn into the debate, as by much the most important matter, and what indeed principally called me up: I say has been drawn into the debate, for sure I am it could never have come from the measure in question, if it had been allowed to rest upon its true bottom, with a claim to such a sanction as could be given it by law: which sanction, by the way, I fancy your — will find necessary, notwithstanding all that has been said in support of the embargo as a legal exercise of prerogative.

The question debated is, whether the embargo on corn, the largest freedom of exportation of which is permitted by many acts of parliament, and encouraged by a statute bounty, is a prohibition according to law; a legal act of government, within the constitutional bounds of the prerogative of the crown; or is only

only a mere act of power, induced by an urgent necessity in the state, exceeding the true limits of the royal prerogative, but that ought, for its beneficial tendency and effect to be approved, and must be confirmed by the sanction of law, to give it legal force, and valid operation.

This question comes to a general point, and it has been brought to that in the debate. A general proposition must be maintained, and the general proposition has been maintained, that of any, and if of any, of every act of parliament, the king, with the advice of the privy council, may suspend the execution and effect, whenever his majesty, so advised, judges it necessary for the immediate safety of the people.

I limit it so to give the proposition fair play. I shall likewise, to be as candid as I can, add, because it has been added, during the recess of parliament : and if—please, they shall have the other words too, when parliament cannot be conveniently assembled. Such precisely is the proposition that has been maintained in this debate. For God's sake ! — — is this the doctrine of the constitution ? Is this doctrine that Englishmen will swallow ? can it go down ! I do not say with your —, will it with the most unread or unlearned in the constitution ? if this is constitutional doctrine, I make bold to pronounce the revolution, the glorious revolution ! (as I have been taught to call, and to think it,) nothing but a successful rebellion, the most lawless and wicked invasions of the rights of the crown, — and the bill of rights, that illustrious monument of English liberty, the palladium and bulwark of the constitution, the most false and scandalous libel that ever was published ; the most infamous imposition, both on prince and people, ever invented. James the second neither abdicated, nor forfeited ; he was robbed of his crown. His majesty is an usurper, and



his royal ancestors, of blessed memory, even our great and glorious deliverer himself, have all been usurpers; the act of settlement is a nullity, and your — are a generation of rebels, whose fathers revolted; many of you are not —s of the —m. Pardon me if I am warm, I cannot help it.

The — at the head of the C— B— who spoke early in this debate, is called a whig, — a zealous whig he calls himself; but he has defended the legality of the embargo, by maintaining the very proposition I have rehearsed. I say he has defended the legality, for we are not now debating the necessity, and the argument goes to exclude the method pointed at in the — moved, of legalizing the measure, and validating it, by a bill of indemnity.

The — has told us, he would prove his point from no less authorities, than the bill of rights, acts of parliament, and the usage of the privy-council. — Very respectable authorities indeed! who could desire better? I shall consider them all, as far as I am able to follow the — on memory; and I was as attentive as possible.

Now, — to the proposition; and I would first speak a word to the last part of it — the recess of parliament. This is either an old, or a new distinction. If it is an old one, the — should shew us where it is to be found; if it is a new one, he should tell us what authority, warranted by the law of the land, has made it. But the truth is, it is the distinction of the day, and I suspect it will never grow older; it is an alleviation of the dispensing power, to sweeten it to your —, because too nauseous in the full stinking position.

There was no such distinction in the days, when the law-making, and the law-breaking prerogative walked forth at noon-tide. The princes that were then endeavouring

deavouring to establish the dispensing and suspending power, in their best moods, and when they were speaking soft words to parliament, told them, that though they condescended to call them together, it was not because they could not do without them; and that if parliament refused what they deigned to ask, they would only be forced to use the other powers for attaining it, which God had given them. The concomitant, and the fatal principal of those days was, that the rights of parliament were so many concessions of the crown, resumable at pleasure, and the calling them but a gracious compliment from the prince: and so the maxim of the idolaters of prerogative, as then understood, that is of absolute and arbitrary power, was a *Deo Rex*, a *Rege Lex*.

I cannot conceive the ground of this distinction as to the recess of parliament. By the constitution as now modelled, parliament must always be in being, ready to be called, so much so, that even an expired parliament revives when necessary to be assembled, and another is not chosen. With regard to acts of parliament, I know of no days, either *fausti* or *festi*, in which they sleep. They are not like jurisdictions that may be evaded by going into a sanctuary. They are of equal force, while in being, at all times, in all places, and over all persons; or, as Mr. Locke says, "Laws, though made in a short time, have a constant and lasting force." Acts of the executive power are incident, temporary, and instantaneous; but acts of parliament are permanent, made as the general rule by which the subject is to live, and be governed.

Unless therefore it can be said that the moment parliament breaks up the king stands in its place, and that the continuance of acts is consigned into his hands; he cannot of right suspend, any more than he can make laws, both requiring the same power. The law is above the king; and the crown, as well as the subject,

ject, is bound by it, as much during the recess, as in the sessions of parliament; because no point of time, nor emergent circumstance, can alter the constitution, or create a right not antecedently inherent. These only draw forth into action the power that before existed, but was quiescent. There is no such prerogative in any hour or moment of time, as vests the semblance of a legislative power in the crown.

If we next examine the foundation of necessity, it will appear to be equally destitute of authority, as the other distinction. But it would be to tire your patience unreasonably, because there is no use in it, to enter into this argument at large. For who has ever read the arguments on ship-money, and the dispensing power in former and bad reigns, that does not know, that a supposed necessity was the plea to justify the acts complained of? And the answer is ready in the mouth of every one, that if the crown is the judge of that necessity, the power is unlimited; because the discretion of the prince, and his council, may apply it to any instance whatever: and so discretion degenerates into despotism. Therefore the wisdom of the constitution has excluded every discretion in the crown over positive statute, and emancipated acts of parliament from the royal prerogative, leaving the power of suspension, which is but another word for a temporary repeal, to reside where the legislative is lodged, to which only it can belong; that is in king, lords and commons, who together constitute the only supreme sovereign authority of this government. Nor did parliament ever allow of the dispensing power, or any thing of the kind, because it was exercised under the specious pretence of the safety of the nation being concerned, and the whole kingdom in danger, which was the usual jargon, and, if true, implied the most urgent necessity.



The — and — — on the cross bench, who like a true friend of liberty, has given us so excellent a definition of the constitution, as a government by law, (which I must do his — the justice to acknowledge has often come from his lips in this house) has very accurately stated the extent of the crown's discretion, in matters within the legal prerogative. H — — has truly said, that in these the crown which is entrusted with the power, and has the right to act, must be judge of the necessity and season of acting, subject always to the controul of that constitutional advice, by which the crown must act in all cases. But these acts, as his — justly observed, are legal, not because they are necessary and proper, but because they flow from the proper power; and they are legal and valid, though wrong in themselves, 'till corrected; as a legal power may be improperly exercised, for which the advisers are responsible. But I heartily agree with his — that the constitution has entrusted the crown with no power to suspend any act of parliament, under any circumstances whatever; and with his — I also declare I never shall, nor can, consent to any such power, being intrusted with the crown.

For my own part it is difficult for me to form an idea of the necessity, in any case, of suspending an act of parliament by royal authority; as the parliament may always be assembled in time to prevent an irremediable evil from any statute. Sword and famine seem to be the most alarming evils; but neither of these can possibly ever catch the nation in a case of unavoidable necessity, without culpable neglect. Invasion is not the work of an instant, and government must be totally asleep, the ministers, both at home and abroad dozing strangely, if there is not intelligence in time to assemble parliament. Scarcity, it is impossible, can ever come at a moment's notice, so as to make famine stare us in the face; and even in the present

present case it is apparent, that the necessity which, at the instant, justified the embargo, was owing to an inattention that loads the authors of it, and reduces it to the case of Esau's necessity, who sold his birthright for a mess of pottage, because he had not been prudent enough to provide in time for satisfying his hunger at a cheaper rate. The Marquis of Halifax has some words so applicable to this subject, that I cannot help quoting them. "By the advantage of our situation, (says he) there can hardly any such sudden disease come upon us, but the king may have time enough left to consult with his physicians in parliament. Pretences indeed may be made, but a real necessity, so pressing that no delay is to be admitted, is hardly to be imagined; and it will be neither easy to give an instance of any such thing for the time past, or reasonable to presume it will ever happen for the time to come. But if that strange thing should fall out, our constitution is not so strait-laced as to let a nation die or be stifled, rather than it should be helped by any but the proper officers. The cases themselves will bring the remedies along with them." This doctrine I can subscribe to in all its parts. But still, I say, that if a clear case of undeniable necessity could be figured, the legality of the act done under that force would just stand where it did, upon the general principles of the constitution, and not the particular exigency of the instance, and the justification be effected by an *ex post facto* law, has not pointed at. For I apprehend it to be bad politics, and I should amagine it worse law, that any special case can ever derogate from a general fixed rule, such as a fundamental law of the constitution.

Let us therefore — — take what road we will, still we come back to the general question, has or has not the crown a right to suspend an act of parliament, in any case, or on any pretence whatever?

And

And let the question be tried by the house's own authorities.

I begin with the lowest and last named—the usage of the privy council. The — — produced no instances of this usage of the privy council, in prohibiting the exportation of corn. The present is the first we have been informed of. It is clear the queen's ministers would not venture upon it in 1709. On the contrary, when the queen was advised to call parliament on purpose to make provision for preventing famine, it is remarkable that she tells them in the speech from the throne, that she had done all that she could by law; referring to the proclamations issued against forestalling, &c. The queen was not advised even to use the device of laying on a general embargo, thereby to prevent the exportation of corn; tho' being in time of war, the crown had an undoubted right to lay an embargo. As that would have been using the war-power of embargoes indirectly for an other end than a war-purpose; such an evasion of the law was not judged wise or fit. In the same manner the example of the queen's reign was followed in 1756; which was also a time of war. Lord Hardwick would not then advise an embargo: We see at all other times of the like exigency, from an apprehension of scarcity, parliament has been constantly resorted to: And from the bare recital of the several acts of parliament on the subject, as well the laws permitting the exportation, as those temporary acts prohibiting it in times of scarcity, it is plain that there is not, perhaps, another instance of a thing so well guarded against the fangs of prerogative in practice as well as by statute.

— — The only example of this usage mentioned by the — — was the prohibition of the exportation of gun-powder, which is frequently laid on by the king  
and



and council. But to that there is a very short answer, viz. that there is an express provision in one of the acts that have been alluded to, the 12th of Charles the Second, allowing the king by proclamation to prohibit the exportation of gun-powder, though by the same act the exportation of it is permitted; which is an authority in point against, instead of being one for, the — —'s argument. And this express statute provision, as to gun-powder, to avoid doubts upon prerogative powers, even in such a case as that of warlike stores, proves how jealous parliament is of a dispensing power, and how scrupulous government has been to rest any thing upon constructive arguments of right, or cases of necessity, to justify the crown's interfering with acts of parliament.

In regard to the authority of acts of parliament, the only one mentioned by the — —, I think, was that converting the declaration of rights into a bill, and making it a statute. We may therefore take both together, the — —'s argument being founded on a comparison of the declaration of the bill or statute, and what the — — is pleased to call a difference between them, as if the bill limited and restrained the words in the declaration.

They — — read from his own copy the first article of the declaration of rights, presented to the Prince and Princess of Orange, and verbatim recited in the bill, or act of parliament. The words of the article are, "whereas King James," &c. did so and so, "by assuming and exercising a power of dispensing with, and suspending laws, and the execution of laws without consent of parliament." And says the — — this to be sure is general, and would leave no latitude, but this is only the claim as put in by the subject, and therefore when parliament came to enact upon the article, they restrained it, knowing that  
it

it was impossible but there might be a necessity for the crown's suspending some particular acts of parliament, during the recess of parliament. I appeal to your — if this was not the —s reasoning precisely, and his very words, I marked them well, for I own they surpris'd me.

And — the next reads on your — — the second article of the bill, in the enacting part, which stands thus (viz. declared by parliament) “ that the  
“ pretended power of dispensing with laws, or the  
“ execution of laws by legal authority, as it has been  
“ assumed and exercised of late, is illegal.” Hence says the — it is clear that parliament, when they came to make the statute, would not deny every degree or kind of a dispensing power in the crown, but only is exercised of late, that is by King James. I confess the reasoning astonished me, and I think it could not convince y— or any man living, if the thing rested on the very words the — has read, to prove his distinction between the declaration and the enacting bill.

The history of these words as exercised of late is well known. They were an amendment made by the lords to the bill to save some old charters and grants, with *non obstantes*: And to secure against all dispensations whatever with statutes in time to come, there is a clause in the end of the act, declaring that no dispensation by *non-obstinante* of or to any statute, should be thereafter allowed, except a dispensation be allowed in such statute. But what was the dispensing power exercised of late by King James? It was only dispensing with penal laws; that is, a remitting or dispensing with penalties inflicted by act of parliament in certain cases: And even that sort of dispensation, or exercise of the dispensing power by King James, is condemned by the bill of rights as illegal.

These

These words therefore upon which the — — has laid so much stress, furnish one particular remark, but it is most unfavourable to the purpose for which he has quoted them. Your — will have prevented me in it, by recollecting what I had just now mentioned. For tho' King James undertook to shew, by the means of his corrupt judges, that a power in the king to dispense with law was law, the only acts of parliament upon which he made his essay of the dispensing and suspending power were the penal statutes against non-conformity: from which for the sake of the Papists, he gave a general exemption, by the lump, to all his subjects. He took that method, because parliament had remonstrated against his dispensing with the Test-Act, in favour of the Roman Catholick officers he employed: And the language which the parliament held in that remonstrance deserves our most particular notice. They told the king, " that  
 " the consequences of dispensing with that law, with-  
 " out an act of parliament were of the greatest con-  
 " cern to the rights of the subject, and to all the  
 " laws." King James suspended no acts of parliament besides these penal laws; and to penal laws only did the judges he corrupted extend that shameful opinion for the dispensing power, which they gave judicially in a particular case; an opinion grounded upon such notable reasons as these, " that the laws  
 " of England were the king's laws, and therefore it  
 " was an incident, inseparable prerogative of the Kings  
 " of England, as of all other sovereign princes, to  
 " dispense with all penal laws; and that it was not a  
 " trust invested in, or granted to the king, but the  
 " antient remains of the sovereign power of the Kings  
 " of England, which never had been taken from  
 " them, nor could be." Yet for dispensing with and suspending these penal laws only, laws that in so far as they affected Protestant Dissenters were truly a  
 grievance,



grievance, and therefore were repealed after the revolution, did the estates of this kingdom dethrone King James: And it was declared in the bill of rights, that the pretended power of dispensing with laws, or the execution of laws by legal authority, as it had been so assumed and exercised of late, was illegal. What then must we think, in these times, of such a construction, as is now held out of the bill of rights, which attempts to invalidate and pervert the great charter of the revolution, by setting up, as a prerogative of the crown, a right, in all cases of necessity, to dispense with all laws, touching our liberty, and our property? — a right to which in these instances K. James the II<sup>d</sup>, with his most corrupt judges never dared to aspire.

But my wonder is not confined to the —s construction or interpretation of these words. For I am utterly at a loss to understand how the — got at the second article of the enacting bill, without reading the first; or how he took the second article alone of the bill for the whole echo of the first article of the declaration or claim of rights recited in it, as the preamble of the enacting part, when the half of the answer to the first article of the claim or declaration is in the first article of the bill. But however the — may have past over that first article of the enacting part, I dare say it is not out of any of your — memory. Hear the words of it. (Art. 1. of the enacting bill) “ Declare that the pretended power of “ suspending of laws, or the execution of laws, by “ legal authority, without consent of parliament, is “ illegal:” the very precise letters and words of the first article of the declaration, or claim of rights, only leaving out the word dispensing, because that it is made an article by itself in the second of the enacting bill. After reading this first article of the enacting part of the bill, I certainly need not ask your —, or the —

VOL. II.

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himself,

himself, where the limitation is, in that article, on which his — has founded his whole argument? Nor will the — deny that the first article is as much a part of the act of parliament as the second. Most undoubtedly there is not the least difference between the bill and the claim in this general, unlimited and unrestrained position, that the pretended power of suspending of laws, or the execution of laws, by legal authority, without consent of parliament, is illegal; every word of which is emphatical. And so parliament in the same bill enacts, “ that all and singular the rights “ and liberties asserted and claimed in the said declaration, are the true, antient, and indubitable rights “ and liberties of the people of this kingdom, and “ shall be so esteemed, allowed, adjudged, deemed, “ and taken to be; and that all and every the particulars aforesaid shall be firmly and strictly holden “ and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever “ shall serve their majesties and their successors according to the same.”

The — says it is a narrow and illiberal idea that the crown has not, or ought not to have, a power, for the publick good, to suspend an act of parliament. I do not know what the —s notions of liberality are, or how liberal his own ideas may be. Extraordinary liberality received, may beget extravagant returns. Profusion in giving may produce vast compliance in yielding; and to whom much is given, of them the more will be required. A great authority says, that gifts blind even the wise. For my part I confess, I have no opinion of that liberality of which the constitution is the subject. Of the constitution no man can be too sparing or abstemious. She has cost much, and she is worth all that she has cost, and without it, every thing else will be of little value. I hope nothing shall ever tempt Y — to be liberal so much at the

the expence of your fellow-subjects. Slices of the constitution, are the last thing I will give away, nor shall I consent to maim it; to gratify any man, or to justify any measure.

As to the —s question, what would be the distress on many occasions, if there was in no case a power in the crown, to suspend an act of parliament? After the words of the bill, that is the statute of rights, which I have quoted, I will give no other answer than this, that they exclude totally, absolutely, and in the most general terms possible, any such power: And I am yet to learn what posterior statute has repealed one article of the bill of rights, or vested in the crown, or the privy council such a sort of chancery powers, to suspend laws and acts of parliament, or suggestions of equity, or expediency, for the safety or relief of the subject: Nor do I see that such an alteration would be an amendment of the constitution, I think it would destroy it, to the very foundation.

We have had a philosophical argument upon prerogative, to prove that the prohibition in question was a legal exercise of legal prerogative: and Mr. Locke's authority has been quoted, a page or two of whose chapter on prerogative the — in my eye has read.

Nobody has greater respect for Mr. Locke's writings than I have; yet if I found any thing in them that did not square with the settled fundamentals of the constitution, I should not be moved by him. It is highly improper, I am afraid, to enter here into a general discussion of Mr. Locke's ideas, and nothing but the difference, I will add the justice, due to so venerable a name, would have made me go into this. But I beleive Mr. Locke and I do not at all differ, and I think he is misunderstood, when brought as an



authority on the other side. It is not doing him justice; for surely there was not a man in England a greater enemy to the dispensing power than himself.

Prerogative, is a word that has been the occasion of great wranglings, and certainly the princes of the house of Stuart understood by it arbitrary power, or something so very near it as not to be distinguishable. I have a very simple notion of it, and it is this, that prerogative is that share of the government which, by the constitution is vested in the king alone. Lord Coke, after giving the etymology of the word as denominated from the most excellent part, because the king must be first asked before any law is made, says, "the prerogative comprehends all the powers, "pre-eminences, and privileges which the law giveth to "the crown." It is no distinct or separate inheritance in the crown opposed to the interest of his people. It is a trust *ad communem totius populi salutem*, just as much as the powers of parliament are. Now I can never conceive the prerogative to include a power of any sort to suspend or dispense with laws, for a reason so plain that it cannot be overlooked unless because it is plain; and that is, that the great branch of the prerogative is the executive power of government, the duty of which is to see to the execution of the laws, which can never be done by dispensing with or suspending them.

When Mr. Locke speaks of the prerogative as acting sometimes against law, or of the laws themselves yielding to the executive, it is far from his meaning that the prerogative or executive can dispense with or suspend laws. His example makes it clear, viz. that of pardoning offenders where the law condemns, which is certainly undoubted prerogative. There the law yields, not in its force or subsistence, but only in

in its consequences, and in a particular instance: And though the king can pardon, he cannot beforehand, even in a particular instance, dispense with the law. The expression of acting against law, is perhaps not well chosen, but it is evident Mr. Locke intended to express no more than this, that the crown can by pardon (for instance) prevent that execution which the law would effect. As for the other instance mentioned by Mr. Locke of the law yielding, viz. pulling down a house to stop a fire, it is a clear inaccuracy: for that has nothing in the world to do with prerogative, or even with magistracy, no more than the throwing goods overboard to keep a ship from sinking. It is an instantaneous act of self-defence, to authorize which no man waits for, nor needs seek the order of a magistrate. The fact of danger which is visible, justifies it in law, just as the danger of a ship justifies in law the throwing goods overboard: and both acts are legal, and allowed by all the laws in the world. No body ever heard or read of a proclamation or edict from the sovereign to pull down a house in the midst of a conflagration. So that if Mr. Locke's whole definition of prerogative is taken together and fairly expounded by what he himself says, it will be found he perfectly agrees with what other sound constitutionalists have advanced, that " prerogative " is a power in the person of the sovereign, to command or act in matters not repugnant to the law, " or for which the law has not provided, and certain " acts of grace and favour, which the king might " exercise with regard to some particular persons, " provided these acts were not very prejudicial to the " rest of the nation." Let Mr. Locke be but allowed to speak in his own words, and no error can be drawn from them. His reasoning in support of what he calls the law yielding to prerogative or the executive is this, " Since many accidents may happen, wherein

“ a strict and rigid observation ( he should have said  
 “ execution) of the laws may do harm, and a man  
 “ may come sometimes within the reach of the law,  
 “ which makes no distinction of persons, by an ac-  
 “ tion that may deserve reward and pardon, 'tis fit the  
 “ ruler should have a power in many cases to mi-  
 “ tigate the severity of the law, and pardon some  
 “ offenders.”

And in the other places alluded to, where he speaks  
 of prerogative acting against law, he reasons thus,  
 “ For since in some governments the law-making  
 “ power is not always in being, and as usually too  
 “ numerous, and too slow for the dispatch requisite  
 “ to execution; and because it is also impossible to  
 “ foresee, and so by laws to provide for all accidents  
 “ and necessities that may concern the public, or to  
 “ make such laws as will do no harm, if they are exe-  
 “ cuted with inflexible rigour on all occasions, and  
 “ upon all persons that may come in their way, there-  
 “ fore there is a latitude left to the executive power,  
 “ to do many things by choice, which the laws do  
 “ not prescribe.” Mark the last words! which the  
 law does not prescribe. He does not say of doing  
 things to make laws of no force. Nor in any one  
 place of the book does he speak of prerogative as  
 having a power to suspend any law. On the contrary,  
 he largely handles the power of positive laws over  
 the prerogative itself, to declare limitations of it;  
 and shews the absurdity of calling such limitations  
 encroachments upon the prerogative: And he is very  
 clear and express “ that the legislature is the su-  
 “ preme power of the common wealth, and that no  
 “ edict of any body else, in what form soever con-  
 “ ceived, or by what power soever backed, can have  
 “ the force and obligation of a law, which has not  
 “ its sanction from that legislature which the pub-  
 “ lic has chosen and appointed, and that no obedi-  
 “ ence



“ence is due but ultimately to the supreme authority,  
“which is the legislature.”

Any author may be misunderstood by taking detached pieces of his writings, and that only can render Mr. Locke's sense of this matter dark or obscure; though I do not think he is always nicely correct in his expression.

For one instance, he says, in one place, that “the  
“supreme power cannot take from any man any part  
“of his property without his consent, because the  
“end of government is to secure property.” Yet would not any man be justly laughed at to produce this sentence from Mr. Locke, to prove that parliament could not divest the owners of the property of the houses which the bank has thrown down in Thread-needle-street, upon giving them a compensation? Mr. Locke knew better than to doubt it; though that single sentence, if it stood by itself, might import a contrary opinion.

A great deal has been said on this occasion by the — who has quoted Mr. Locke, upon a few other words of that great author, where he says, that “if  
“there comes to be a question between the executive power and the people, about a thing claimed  
“as prerogative, the tendency of the exercise of such  
“a prerogative to the good or hurt of the people  
“will easily decide that question.” And the argument drawn from these words is to shew that the tendency of the embargo in question, to the good, and not to the hurt of the people, must decide for the legality of the measure, as an exercise of legal prerogative. But I must say there never was, in my poor apprehension, an argument founded in a greater mistake, or an author more unseasonably cited.

Mr. Locke is not here speaking of the tendency of a single act done in exercise of a right of prerogative,

tive, as a rule to decide the legality of that particular act: he speaks, (and his words are plain) of the tendency, that is, the general tendency of the exercise of a power or thing claimed as a prerogative, as a rule by which the question may be decided, whether that power or thing claimed as a prerogative, be really a legal prerogative, or only an usurpation. And most undoubtedly it may be a safe rule of decision. It is upon that very rule that I, and I trust every Englishman in his senses does, and for ever will decide, that a suspending power is not, cannot be a legal prerogative, in any circumstances, or under any pretence whatsoever, because the tendency of the exercise of such a prerogative is destructive to the constitution. I say the tendency of the exercise: for it tends to render acts of parliament uncertain, and to bring positive law under the discretion, that is the pleasure of the crown, and consequently to set the whole rights and liberties of the subject afloat, so that no man can for a moment be sure of the law, though it is his inheritance and birth-right. Then indeed it would be *vis mensura juris*.

Far therefore, am I from differing with Mr. Locke, in what he says in the words quoted. I find myself at full liberty to express my approbation of his reasoning. I adopt his rule of decision of that great question, whether a thing claimed as a prerogative, be, or ought to be one. And I also heartily concur with Mr. Locke's sentiments in the only other quotation that has been read from him, "that when that great  
 " question does arise; (and it must be the greatest  
 " of misfortunes when it does) between an executive  
 " and a legislative power, constituted as ours are,  
 " there is no judge on earth to decide it; and there-  
 " fore the remedy is the appeal to Heaven, that is,  
 " to the sword." On that principle do I approve and justify the conduct of those great and brave men,  
 who

who maintained our liberties at the expence of their lives, they first contended for them in parliament, by force of reason, and particularly against the dispensing power of the crown; and when the obstinacy of unhappy princes, enslaved with the notions of arbitrary power, which they called prerogative, left no other option but to submit to the usurpation of the crown, or to fight, they drew their swords, and Heaven, to which they appealed, propitious to English Liberty, justified their cause, and crowned it with success. In that extremity it was their right, their undoubted right, upon the doctrine of legal resistance, which is incorporated in this constitution, to take the field against the princes who were the enemies of their people, the oppressors of their liberties, For as Mr. Locke truly says, in the forcible expressions that have been read by the —, “ The people have by a law antecedent, and paramount to all positive laws of men, reserved that ultimate determination to themselves, which belongs to all mankind, when there lies no appeal on earth, viz. to make their appeal to Heaven: and this judgment they cannot part with.” That, (to use the Marquis of Hallifax’s words, a little, and but a very little differently applied) “ is the hidden power in this constitution, which would be lost if it was defined; a certain mystery, by virtue of which a nation may at some critical times, be (as ours has been) secured from ruin: but then it must be kept as a mystery: it is rendered useless, when touched by unskilful hands; and no people ever had, or deserved to have that power, which, was so unwary as to anticipate their claim to it.”

I think I might with great safety to the question before us, leave the authority of Mr. Locke, without any apprehension of the least impression from it. But as the doctrine of tendency has been brought on  
the



the carpet, I cannot dismiss it without a few words more; because I think it is of importance that it should be stated upon its true grounds; and I shall endeavour to do it very shortly.

I admit, as in this very case before us, (the necessity being allowed) that a power which is not legal prerogative, may be exercised for the good of the people: and so I will allow too, that the most legal prerogative that exists may be exercised to the hurt of the people. But as the hurtful exercise of a legal prerogative, in a particular instance, will not make the prerogative so hurtfully exercised, cease to be a legal prerogative, or prove that the general tendency of such a prerogative is to the hurt of the people, and therefore that it ought not to be a prerogative; so neither will a beneficial exercise, in a particular instance, of an illegal or usurped prerogative, change its nature and general tendency, so as to decide that it is or ought to be a legal prerogative.

I will explain myself, though I hardly think it necessary, by examples. It is the undoubted prerogative of the crown, to declare war, make peace, and treaties, to create peers, and to pardon offenders. And the general tendency of the exercise of all these prerogatives, is for the good, and not for the hurt of the people. The constitution has therefore vested these powers in the crown, and they are legal prerogative. But who will deny that any one of these prerogatives may be improperly and hurtfully exercised? If they are, the advisers of the crown are responsible, though the power exercised is legal, and the acts valid. As the — and — on the cross bench truly said, when the king makes war, it is war to all its consequences, however improperly the crown may have been advised in taking the measure; and so of the rest. On the other hand, if a suspending power were exercised in  
an

an instance never so beneficial, the power is not a legal prerogative, and is not to be endured, because of its dangerous tendency, nevertheless, the particular act done, under colour or pretence of such a power, if in itself for the advantage of the people, will not cease to be so, however illegal the power to do the act may be. Let me only just ask, as it comes in my way, and may in some respects be particularly applicable to the case of the embargo under consideration—Could the crown now legally create a foreigner a peer, because it is the general prerogative of the crown to make peers, when the act of settlement has in that particular instance, restrained the general prerogative of the crown? certainly not. And for the same reason, even supposing it to have been at any time an inherent power in the crown to prohibit the exportation of corn, the crown cannot now do it, as positive statute has clearly divested the crown of the power.

What I have said is, I think, sufficient to shew, that Mr. Locke is very much misunderstood and misapplied, in the words last referred to, which have been much insisted upon, when they are produced as an authority to prove, that the tendency of the embargo to the good of the people, is the rule for deciding if it is an exercise of a legal prerogative or not. I will even venture to say, Mr. Lock's words are a clear authority upon my side, to prove, as far as the reasoning and opinion of that great writer can do it, that the dispensing or suspending power, which is the only thing that can be named as a prerogative, under or by virtue of which the embargo is laid, is not and cannot be a prerogative.

I will however go yet a step farther, and I hope I shall satisfy y—, that the use made of this authority of Mr. Locke, taken as the — has stated and explained it, even upon his own argument, is as dangerous

gerous and unsatisfactory as any thing can be. For — suppose for once, it was the tendency of a particular act that was to decide for or against the legality of that act, as an exercise of a legal prerogative, I only ask, what would be a more uncertain or dangerous rule of decision, with regard to the suspension of an act of parliament by the crown, if the decision is to be with the crown; and consequently, according to the argument, the legality of the act to depend upon the crown's decision? I say, what more uncertain or dangerous rule of decision? I do not say but a case may be put, so strong, that there cannot among men be a doubt as to the tendency of a particular act of suspension, as in the very instance of prohibiting the exportation of corn, when famine is staring you in the face; and in such a case, the crown would decide just as every other person would. At the same time, one may affirm, that even that case is not such an one as will always admit of an absolute mathematical certainty; for men may be, and they often are, divided in opinion as to the appearances of scarcity, whether real or not, and to what degree; and consequently whether it is fit to prohibit the exportation of corn or not. But supposing that to be one clear case, I ask, how many more clear ones can be mentioned? And I am intitled to ask the question, because if a power in the crown to dispense with an act of parliament, for the good of the people, is the foundation of prohibiting exportation, supposing exportation to be authorized by act of parliament, the same dispensing power may be exercised as to other acts of parliament, on the like ground of the good of the people; and so must extend to the whole statute book. Now —, how many cases are there, in which all mankind would, to a man, be agreed, that it was for the good of the people to suspend any one particular act of parliament? What act is it, that if a question of  
repeal



repeal were in parliament, — and t — o — h  
 — e might not be divided in opinion about? some  
 thinking it of a tendency for the good of the people,  
 others thinking the contrary, and the people without  
 doors also divided in opinion. Would it then be a  
 safe rule to make any one act of parliament, in the  
 general view of things, depend on the decision of the  
 crown, for a suspension, be it never so short, which  
 is nothing else than a temporary repeal?—Or is that  
 a rule, upon which to rest or trust the decision of the  
 legality of any particular act of a suspending power  
 exercised by the crown? I will not, I need not,  
 lengthen the argument. It is clear nothing could be  
 a more dangerous, uncertain, and arbitrary rule: no-  
 thing so naturally tending to found a despotic power  
 in the crown over acts of parliament. And therefore  
 nothing can be so fallacious or misapplied an argu-  
 ment, as that drawn from Mr. Locke, explaining his  
 words in such a sense. His rule would not apply:  
 it could not even to particular acts or exercises of  
 any power or prerogative. He did not intend so to  
 apply it. As a rule with regard to one or another  
 general power claimed as a prerogative, it is a sound  
 and safe one; and he applies it no otherwise himself:  
 But, as I said, it is not only foreign to the purpose,  
 as it has been applied in the argument, but it is clear-  
 ly against the thing contended for by those who do  
 apply, or rather misapply it in that manner.

One single remark I must be allowed to make,  
 before I close my observations upon Mr. Locke's au-  
 thority. The last s—n of P——t set out with  
 the wildest doctrines, extracted piecemeal from the  
 same Mr. Locke, in favour of liberty; of liberty run  
 mad with notions extravagant, ridiculous, exploded,  
 and thank God! by the whole legislature condemned.  
 This s—n begins with doctrines again extracted  
 also

also piecemeal by the same persons, from the same author, trumpeting forth a tone of tyranny, more hateful, and more dangerous, because more extensive, than any promulgated in the worst reign of the worst of the Stuarts. I hope, these will meet with the same contempt as the others did. Indignation is the due of both.

After all — — what is this old and stale argument now revived, as to the tendency of the exercise of a prerogative for the good, and not for the hurt of the people? What is it, I say, taking things on a general view, but the exploded argument of necessity repeated in other words? The wildest bigot to prerogative, or absolute power, (if I may imitate the enthusiasm of the ——— and ——— ———'s expression who spoke of the wildest zealots for liberty) I say, the wildest bigot to prerogative never pretended, that any prerogative whatever, the dispensing power itself, could or ought to be exercised, but for the good of the people; the prince indeed always being judge of that. Even Manwaring and Sibthorp themselves would not have said otherwise; — those monsters of men, who prostituted the pulpit, to preach the impious and nonsensical doctrines, “ that if princes  
 “ commanded things against the laws of God or of  
 “ nature, or impossible, yet subjects were bound to  
 “ undergo the punishment, without resisting, railing,  
 “ or reviling. ———And that the king is not bound  
 “ to observe the laws of the realm concerning the  
 “ subjects rights and liberties, but that his royal will,  
 “ in imposing taxes without consent of parliament,  
 “ bound the subjects conscience, upon pain of eternal  
 “ damnation:” ———Even these men, and their stupid doctrines, suppose that what was done by the prince should be for the public good; and that what was not so, was in itself wrong; as certainly what is against the laws of God or of nature must be; and therefore,

therefore as they admit, could not in conscience be actively obeyed, for which reason they wickedly and senselessly say they ought to be obeyed passively, by suffering punishment. But did not every prince who exercised the dispensing or disabling power, pretend that he did it for the good of the people, and that the particular acts by which it was exercised were for the best ends? Look at James the II<sup>d</sup>s declarations for liberty of conscience. What more specious pretences could be devised than are mentioned in those acts of the dispensing power? “To unite the hearts and affections of his subjects to God in religion, to him in loyalty, and to their neighbours in christian love and charity.” For these great and good purposes, he thought fit, by his sovereign authority, prerogative royal and absolute power, which all his subjects were to obey, without reserve, to grant his royal toleration.” And for that purpose, “with the consent of his privy council, by his sovereign authority, prerogative royal, and absolute power, he suspends, stops, and disables all laws or acts of parliament made or executed;” and so forth. These are the words used in one, and they are only a little softened, but not substantially varied, in another of the declarations of this sort.

Part of that same very illegal act of the dispensing power, the declaration in favour of liberty of conscience, unquestionably was, in its tendency, for the good of the people. The first part of it, artfully introduced to colour all the rest, is a toleration to protestant dissenters, exempting them from the absurd penalties of non-conformity. But did that tendency of the exercise make either the particular exercise, or the pretended prerogative exercised, legal? No. It was equally an exercise of the dispensing power, and consequently equally illegal in favour of protestant dissenters as of papists, though the tendency was very different in regard



gard to the two. And accordingly when government came to itself, and was upon a right foot, one of the first acts passed after the Revolution was, for exempting protestant dissenters from the penalties of those grievous laws that affected them. The preamble of the act adopts the very motives with which K. James gave a colour to his declaration; and the act itself is the best proof in the world, if the fact needed one, that the tendency of K. James's exercise of the illegally assumed power, was so far for the good of the people. Yet that very act of K. James was one of those that cost him his crown, and, as I have said before, stands the very point condemned by the second article of the bill of rights, as exercised of late, without any distinction as to the tendency of any part of it; though the posterior act of exemption manifests the opinion of parliament that one part of it tended to the good of the people. The difference is this: the act of parliament was the constitutional relief from the grievance; the act of K. James, let its tendency, in any part, be what it would, was, in the whole of it, the exercise of an unconstitutional and usurped power, against law, and in its tendency dangerous to the liberties of the people.

I will venture to say, that there is not any one notion more exploded, and more condemned by the statute book than that notion of the tendency of acts for the public good being sufficient to make them legal: and indeed it is one of the wildest notions that ever entered the mind of man; for it goes to cut up all government by the roots, and to make every man a judge and law-giver for himself. I might have said, that it is condemned and exploded by all morality and sound divinity; avowed and professed only by Jesuits, and such diabolical casuists. But I say, look only to the statute book. What is the language of all your acts of indemnity, passed upon great occasions? I need

need not mention those in our own memory, passed after the rebellions 1745 and 1715, on purpose to indemnify those who had done acts for the public service against law, and that could not be justified by law, as the stile of the statutes run. Let me only refer your——to one of the first acts passed after the Revolution, “the act for preventing vexatious suits against such as acted in order to bring in their majesties, or for their service.” What does it say? “Whereas about the time of his majesty’s glorious  
 “enterprize for delivering this kingdom from popery  
 “and arbitrary power, and in aid and pursuance of  
 “the same, divers lords, gentlemen, and other good  
 “people, well affected to their country, did act, &c.  
 “in which proceedings, some force, &c. was unavoidable, which in a time of common peace and  
 “safety, would not have been warrantable; and also  
 “since their Majesties happy accession to the crown,  
 “by reasons of the wars and troubles raised and occasioned by the enemies of their majesties and this  
 “kingdom, divers like matters and things have been  
 “done; all of which were necessary and allowable,  
 “in regard to the exigence of public affairs, and  
 “ought to be justified, and the parties concerned  
 “therein indemnified,” &c.

Surely, ———, if ever there were acts that tended to the good of the people, these mentioned in this act were:——acts to rescue the kingdom, its religion and laws, from ruin and destruction;—and done at a time, of all others, when no law could be said to be in force, but the law of nature, which stimulated and justified what was done, the government being totally dissolved; so that one might say there existed no law of the land to be transgressed, or that could be a ground of action or charge, as where there is no law there can be no transgression. Yet even for

such acts done, acts necessary and allowable, as the statute speaks, and done under such circumstances of a suspension in fact of all the laws in the kingdom, did these favours take and pass to themselves an indemnity? They loved the constitution they had saved so much, that they would not suffer the very act of saving it to have the appearance of giving it a wound. And though these were the acts of subjects, it makes no manner of difference; for I do maintain, that in law, and legal and constitutional language, the crown has no more right to suspend acts of parliament, or to act against them, than any subject; because, as I said before, the one is not more than the other the legislature. This however is a distinction totally immaterial, because according to this constitution, there can be no act of the crown, but some subject is responsible for it as the adviser: and in the matter before us, the lords of his Majesty's Privy Counsel state themselves, justly, as answerable to parliament for the act they advised. Over and above all which I might add, that the case I have referred to was the strongest and most favourable that could be; for if it was not the crown which did the acts indemnified, it was not one or a few subjects, but the whole people and parliament itself that were the actors; and had not the caution for the safety of the constitution been great, in proportion to the zeal that had just redeemed it, men might have thought, with good reason, that the very act of revolution, and the statute that placed the crown on William and Mary's heads, were sufficient to justify every part of the work, as well as the best proof of the tendency of every thing done in aid and pursuance of it.

— — There were other acts in the reign of William and Mary, of the same tenor and effect with that I have quoted, particularly in 1690 and 1692,

on



on occasion of threatened invasions. I only mention them because the persons first named as the actors in the things thereby justified and indemnified, are the lords and others of the Privy Counsel, and the chief act done against the law, was the causing the militia to be raised otherwise than as authorised by the acts of Charles the second, which were not more sacred than the acts of the same reign, permitting the exportation of corn. The Privy Counsellors, even of those days, were not shy to acknowledge on the records of parliament, that they had acted against law and against acts of parliament, though the acts they had done were necessary and for the public good; nor did they despise and refuse an indemnity, but accepted it to transmit it to posterity as a safeguard of the constitution, that in future times no evil might come to it, from a precedent of the highest necessity, and most important service to the country; because they knew, as we do, *omnia mala exempla a bonis orta sunt*. His present Majesty's Ministers are ashamed or afraid to own that an act they advised was not legal, though they say it was necessary, and all agree with them, that from various neglects and criminal blunders, it was at the time become so necessary as to be unavoidable. Rather than own a breach of the law, even a necessary one, that ought to be justified, they will defend the act done as strictly legal, at the expence of maintaining a degree of the dispensing power: I say a degree, for I will not make it worse than they do themselves—They are so much more delicate or infallible than King William's Ministers and Privy Councillors, that they are affronted at the offer of an indemnity: and one ——— says, *timeo danaos et dons ferentes*. I believe it. All ministers, when they are in the wrong, are afraid, especially of those that are able to shew their error, and by offering a plaister discover the sore. I truly believe they are afraid, for the same reason as the

Trojans dreaded their enemies, and suspected their gifts, that is, lest the city should be surprized and taken. But ——— the fall of fifty ministers, or fifty successions of them, if the greatest that ever were, is not to be compared with one thrust at the constitution, let the instrument be never so harmless or the intention never so innocent: for she may be wounded even in the face of her friends, and *alta sedent civilis vulnera dextræ*. If the — — is afraid of those who profer gifts, I will be jealous of those who refuse such as are now tendered, and refuse them on such grounds as I have heard this day, in my opinion, dangerous in the last degree to the constitution; and only so much the more so that they are the arguments of her once most zealous friends, to whose past services I will consent to give any reward but that of wounding the constitution further; one hair of the head of which I would not have hurt for all ministers, or any prime minister on earth.

The ——— who founded so much upon the authority of Mr. Locke, in his second speech, has taken up some time to justify the argument of the ——— who sits near him, from a misinterpretation which he thought some other ——— put upon it, as if the ——— had argued for a general and unlimited dispensing power; whereas he only maintained it in cases of necessity, and till parliament could meet: and says the ——— that is the circumstance which distinguishes the act in question from those exercises of the dispensing power complained of in former times ———, that it was done only when parliament could not meet, and till it assembled: and farther, says the ———, it is singular for criminals to call their judges to condemn them; yet the king's servants have called the parliament to judge of the act they advised, and to condemn it if it is wrong.

——— if

— — if you have honoured me with any attention to what I have said, you will not think that I mistook or mistated the argument of the — and — which the other ---- has explained and enforced as well as justified. I do not think any of your — did mistake it: but I did not like it as he gave it us, and I hope very few of your — were pleased with it. It is true the ---- and ---- was but for giving us a taste of the dispensing power; I do not chuse to touch the cup: and therefore I reject the distinction, as to the recess of parliament, totally, and I have endeavoured to disprove the foundation of it. Whether I have succeeded, your ---- are to judge. I can make no distinction but one and that I do make, between an act of power and an act of prerogative. The crown has the whole force of government in its hands, all inferior magistrates and ministers of government under its orders; and what the crown commands they will obey, and in general I think they ought, as it must indeed be a very strong against law, that they should dispute or disobey, as it would be dangerous to constitute them judges over the crown. But parliament will make the distinction between power and prerogative, and judge upon the act done accordingly. The act in question I say is an act of mere power supposed to have been impelled by necessity, and tending to the safety of the people, and as such it is to be allowed and justified; but it is not to be taken as an act of prerogative, because it is not a legal act, there being no such prerogative in the crown, as a dispensing power for one moment, or in any one moment: and therefore it was, that I very soon told your — I objected to the words royal authority, as I hold authority to be legal power, whereas the embargo is, in my opinion, power without law, and against law consequently is not authority in a just sense.

As to what the — — — says of the ministers calling parliament their judges to judge of the act they



advised I see no weight in the observation at all upon the footing of the doctrine advanced by himself, and by others whose arguments he has supported. Had the ministers told us, that they had advised the crown to an act of power which they were sensible was not agreeable to law, but was so necessary and salutary, that they were confident it would be approved, and that they had, in that confidence, called parliament to submit their conduct to the judgment of parliament — I say, had they held this language, I admit they might have said there was some modesty at least in calling their judges to sit upon them, and that it would have passed for a presumption of innocence as well as proof of candour. But what are we told? why that the crown had a right to do what it has done; that it was the prerogative of the crown to do it; and all the modesty that can be pretended, is that the ministers did not give a longer line to the exercise of this prerogative, but called parliament a little more early than usual, though perhaps, if the whole truth was known parliament was really called (as it was at the time alledged) only for the India business. It is impossible it could be for the embargo, as the embargo was not laid when the proclamation for calling the parliament was issued, viz. 10th September. However if the doctrine that has been advanced is just, parliament has no judgment to give of the act done by the crown; but only to judge what they themselves ought to do in the same affair. For now that parliament is met, all that is told them is this: —“ You may have thought, when at your country houses, that the embargo was not a legal act; but we let you know you are mistaken; for the embargo is the exercise of the ordinary and undoubted prerogative of the crown.” I own I did not expect to hear such news, and if I believed them I should not think the parliament was met upon a very foolish errand, but I would say it was upon a very unhappy occasion, and at the best I think there would have been as good reason, and not more modesty

modesty, in calling parliament in the beginning of the winter, to acquaint them, that during the recess, his Majesty had thought fit to create some new peers, and to change his ministers, which are both the undoubted prerogatives of the crown, whether exercised properly or improperly.

The ——— and ——— ——— upon the ——— ———k, a new convert to prerogative, has thrown his abilities, and the weight of his situation, gained by other doctrines, into the scale of the dispensing power; and in maintaining that degree of it contended for by the other—whom he has supported, his ——— has taken the ground of the law of nature, that first of all laws, self-defence, recurring again to that necessity which is superior to all law, and calling up the great maxim, *Salus Populi Supremi lex*: and his ---- tells us he goes to common sense, he wants no statute for that which is written in the breast of every man, that law of instinct, that inherent power which must be in every state as much as in single person, to defend itself:---and that if he thought the law of England (which he had hitherto thought to be perfect) was so destitute of sense and reason, as not to have that great fundamental of all law and government, *Salus Populi*, &c. for a part of it, he would move for a bill to enact it, and make it part of the law of the land.

The ----- says he was one of those who a-----d his ----- to the measure in question, and he thought he had done right. He thought his -----y deserved thanks for the care he had taken of his people, but he now finds there is to be blame even when he is dispensing good to the nation, and the view is to cast a slur upon the gracious act of the crown, and to hold forth to the public that there has been a violation of the constitution. And if it is so, says his ---, he ought to change his tone and cry mercy; and the first thing y----- ought to have done was to call the offenders who

gave this criminal advice to the bar — but says his —, I will not be so mean as to sculk under a pardon till I find I am condemned, and it is hoped y--- ---- will not condemn any unheard. The — — is ready to enter upon that ground with any man, and to maintain that it is not only the right but the duty of the crown to suspend the execution of a law, for the safety of the people, as much as to keep them from starving; ---that the crown is bound in duty to protect the people from ruin, and the prerogative (as another ———— had expressed it) is nothing but a power to protect them; and, says the — and --- --- upon the ---k, it is a strange thing if the act was wrong which every body says they would have advised---that it is a strange crime to be meritorious---a strange criminallity to save a country from ruin---from famine. His —, however, challenges any one to shew that act of parliament, that excludes the crown from the power of stopping the exportation of grain; —there is nothing, he says in the whole statutes, from Magna Charta down, but this one simple thing, that the sea shall be open, *soit la mer ouverte* — that the crown had done no more than to keep wheat in the country to prevent a famine at home, and that only for forty days till the parliament should meet; — and, says the — in the warmth of his fancy, that is such a power as he believes Lucius Junius Brutus would have entrusted Nero himself with; — adding, as if that was not an expression strong enough — it is but forty days tyranny at the outside.

When I repeat these words, in which I am sure I am not mistaken, I cannot go farther without disburthening my own mind of its feelings. That ———— is the last person from whom I should have expected to hear such words but I own a great deal of what he has said shocks me; ———— by nothing that he has offered am I convinced: And though it may be bold for one of those not entitled, and not expected to be so learned

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ed in the constitution, and with still less pretensions to be learned in the law; yet I cannot stir from my p—e till I have done some justice, unable as I am, to what presses upon my poor understanding.

Forty days tyranny! ——— Tyranny is a harsh sound. I detest the very word, because I hate the thing. But are these words to come from a ——— whose glory it might and ought to have been to have risen by steps that liberty threw in his way, and to have been honoured, as his country has honoured ——— not for trampling her under foot, but for holding up her head? The ——— in the b——r—— has said as it became him to say, forty hours, nay forty minutes tyranny is more than Englishmen will bear. I have used my best endeavours to answer the argument which is the foundation of the distinction to which the forty days alludes, by argument founded in principles; I will now give the ——— one answer more, and it shall be *argumentum ad hominem* ——— That ——— has I believe, said on other occasions, and he said well, that the price of one hour's English Liberty none could tell but an English jury, and juries under the guidance of a certain ———, have estimated it very high, in the case of the meanest of the subjects, when oppressed only by the servants of the state. But forty days tyranny, over the nation by the crown! who can endure the thought? ———, less than forty days tyranny, such as this country has felt in some times, would I believe bring your ——— together without a summons, from your sick beds, riding even upon post horses in hot weather, faster than our great patriots themselves to get a place or a pension, or both; and, for aught I know, make the subject of your consultations that appeal to Heaven which has been spoken of. Yet establish a dispensing power, and you cannot be sure of either liberty or law for forty minutes.

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I have as great a regard for the principles of the law of nature as the — — can have. I love them. I know indeed the law of nature is not a law for men in their present state; it is too weak to bind them; and it will always with some danger be resorted to, as a rule of conduct, even in cases of the most extreme necessity. However — — I am ready enough to admit that every state, that is, all government, as well as every individual, has an inherent right to act, and must, for self-preservation, act upon that principle of the law of nature self-defence. But — — do not let us be led away with a name without proper ideas. Even that great principle of self-defence, sacred as it is, does not suspend or make void any positive law or constitution whatever: it only takes the case acted in out of the law, leaving the law in its full force. So a man who kills in self-defence is acquitted, not because there is no law against murder, but because his case is not within that law. I cannot help therefore thinking, it is but an incorrect use of the term self-defence to apply it to this case, by saying the embargo was self-defence against famine. The laws for exportation have not overlooked or omitted to provide for the case of self-defence against famine. Your — will understand what I mean, when you recollect, that as the laws stand there are limits set to the liberty of exportation, to stop it when the prices come to a certain pitch, and that is the remedy which the legislature has saved against dearth; the fact then suspending the law. I do not say but such a necessity may occur as to make it necessary to draw another line, and so we have had, and now again, I presume, shall have a temporary law narrowing the line. But that is an extraordinary case, the cognizance of which parliament has reserved to itself, to apply an extraordinary remedy to it; and has not left it to the superior wisdom of the crown and privy council to anticipate

pate that extraordinary remedy by a suspension of the laws, within the bounds prescribed by parliament, which will of themselves stop the exportation as soon as parliament has thought, in a general view of things, it ought to be prevented.

— — I revere the principle of *salus populi suprema lex*. And I do not think we need an act of parliament to introduce such a fundamental into the law of England. But what does this principle teach? Why this, that in the making of laws, the safety of the people ought to be paramount to every other consideration, public or private: and in the execution of laws, or obedience to them, that it may for an instant transcend them all; so that if a case happens in which positive laws cannot be executed or obeyed, and at the same time that great principle pursued, positive laws are and ought to be disobeyed, or not executed at peril, the maxim followed, and the justice of government relied upon for the justification and indemnity: a hazard which under no wise and good government, any man acting with an upright intention need be afraid of.

But the principle, even upon the widest ground of the law of nature, does not import that all positive laws are by the force of it *ipso facto* suspended or repealed; in cases that concern the execution or obedience of them. It supposes the very contrary; and never could do otherwise, unless we were at once to say a thing so absurd as this, that not only the executive power of government, but every subject is vested with a dispensing power; as the principle operates with equal force on single subjects, as on the executive power itself; and is upon every individual a binding duty, as far as there is an obligation upon any one to consult the safety of the commonwealth. If therefore the debate were, upon the act in question, whether to  
be



be justified or not upon this great principle, supposing it not justifiable upon any other, government most surely is intitled to avail itself of the principle, so qualifying the act, as to bring it within it. But if government maintains the act to be the exercise of legal power, and consequently against no law, the principle of *Salus Populi*, &c. which always supposes the direct contrary, is totally out of the question: and indeed I cannot help taking notice of it as an inconsistency, that, in my apprehension, runs through the whole of the argument of the — and —, which I am now considering, that he resorts at all to extraordinary principles, and particularly to those of the law of nature; for if, as his — and other — have argued, the act in question is a legal act, and the exercise of a legal prerogative, it needs no *Salus Populi suprema lex*, for a justification or excuse. It defends itself, and is within the protection of the positive law of the land; and consequently the law of nature has no more to do with it than the law of any foreign state, that has no authority in this country. For my part — the application I do, and shall, upon every such subject, and occasion, as the present, make of the maxim *Salus Populi*, is this, that as I think the safety of the people could not be secure one moment, if the constitution were not preserved entire, and unhurt, the supreme law with me shall ever be to maintain unrelaxed and unenervated the fundamentals of the constitution, and, as one of the principal of them, to exclude every, even the least degree of a dispensing or suspending power in the crown, the natural and necessary tendency of which is to destroy the constitution, and of consequence to destroy the safety of the people.

And here — I would only ask by the way, if ever the principle of *Salus Populi* was made or pretended to be made, a ground for the crown's assuming or exercising

exercising a power to suspend the *Habeas Corpus* act by order of council, though nothing perhaps more directly concerns the safety of the state, on some occasion; and therefore it is the first thing parliament does in emergencies of imminent danger? These suspensions are, I hope, the only species of dictatorial power, that this government is acquainted with. But, thank God, they are no part of the constitution, nor do they depend on the pleasure, or even the discretion of the crown. One great — has indeed mentioned the dictatorial power, in the debate, and endeavoured to assimilate this act of the crown, of suspending the laws for the exportation of corn to it. But surely, after saying what I have just now said of the suspension of the *Habeas Corpus*, as totally beyond the power of the crown, it is needless to give any other answer to this attempt to compare the crown's suspending these laws with the dictatorial power among the Romans. If the suspending or dispensing power of the crown were any part of this constitution, it would indeed be a dictatorial power with a witness; and a perpetual one too. So that we should be so much worse than the Romans were, as their constitution slept only during the existence of the dictatorial power, which was but short, and expressly given by the senate; whereas ours, without the intervention of our senate; would at once and forever be destroyed totally.

The — and — speaks of meritorious criminality as strange; and it would be so. But meritorious illegality is not so strange, or an action meritorious in itself and happy in its effects, though against law. The merit consists in running the risk of the law, for the public good; as in the instance alluded to by the other — and — on the cross bench, of the Roman General who fought against orders, and was rewarded for saving his country. On the other hand, if an act

is authorized by law, there can be no such risk, nor consequently any other merit than that of doing one's duty.

I agree with the — who hold the --ls of S. of S. that he would be a poor minister indeed, who would not run such a risk, when the safety of the state required. I will not take the —'s instance of signing a general warrant, as he arbitrarily said he would do, notwithstanding all the noise that has been about them; for a general warrant is such a piece of nonsense as deserves not to be spoken of, being no warrant at all, and incapable of answering any one purpose, in any case whatever, that a legal warrant would not better attain. But this I will say, that without being a minister, as an inferior magistrate, or even as a private subject, I should not hesitate, upon good ground of public safety, to stop, if I could, any ship from sailing out of port, to the destruction of the state, although no embargo subsisted: and in this case, if ministers had held to the justification of the particular act, upon the circumstances, they had done well. But they have justified the act, by maintaining a power which I cannot acknowledge. I blame not the crown, nor the advisers of the crown for dispensing good, nor do I wish to hold out to the people a violation of the constitution; but I will blame ministers for asserting a prerogative in the crown, which, instead of dispensing good, would dispense much evil; and if they will hold out a power unconstitutional, and destructive of the vitals of the constitution, they must excuse others for holding up the barrier against such a power, and defending the constitution. I think prerogative is a power, and it is a duty also to protect the people; but I think a dispensing power is no part of the prerogative, and equally against the duty of the prerogative, and the safety and protection of the people; and to tell y— the truth, I am astonished how a H— of



L— could have patience to sit and hear so much of it; The — spoke as if he joked, and certainly was in jest when he talked of crying mercy, and skulking under a pardon, of calling to the bar and condemning. I will not enter into what the other — and — who spoke before him said of his not being a wise man who refuses God's pardon and the king's. But I have had occasion to mention instances of your — ancestors, when they did things meritorious indeed, though not authorized by law. They did not cry out for the mercy, but they claimed the justice of their country: and their country protected as well as applauded them. Parliament past indemnities; nor did these brave men think it any meanness to cover themselves; I will not disgrace their heroism so far as to say they skulked under a pardon, though they sued for and accepted an indemnity in their own persons for the constitution. Let me tell the — who jokes at this rate, that the time has been, (and I almost wonder we have not seen it very lately) when a word in defence of any sort of dispensing power would have brought the greatest — in the kingdom to the bar: Sure I am it is wonderful forbearance that no one — insisted upon some very alarming expressions being taken down. It is a kind of complaisance or acquiescence that I fear more than the — needs fear the *donatiferentes*. Language of this sort, sat under quietly, — Language so directly trenching on the constitution, is, I am afraid, a disagreeable symptom of want of health in the body politic. We have heard, it has been said, in justification of the subjects resisting law, and rebelling, that the original compact was broken by the legislative power, in one act of parliament, which was but a just and seasonable exertion of what stands the declared, asserted, and recognized power and right of parliament: and now a jurisdiction is to be given to the crown over the legislature, by a suspending

pending power, by which every act of parliament may be broken. Is it left parliament would again, as it was traiterously said last year, break the original compact by some other acts of parliament? How two such opposite opinions are to be reconciled, I know not! or how they can both be made to quadrate with a zeal for liberty, which has perhaps run wild; I leave that to those who hold and have given both opinions. But I think they are both dangerous opinions; and by much the more so that they are the opinions of the same persons, which puts their principles beyond the reach of my line. Thus much I will say, the dispensing power, and the sacredness of acts of parliament, are no jokes: they are not subjects, nor is it a season for levity, to sport with. Your — fathers thought them no jokes: and if such doctrine, as has this day been advanced, prevails or takes root in this — e, I doubt the constitution must seek for sanctuary elsewhere than within these walls, the very hangings of which ought to put us in mind of the glorious deliverances English liberty and English spirit have obtained.

— The — calls upon any one to shew the act of parliament that hinders the crown from stopping the exportation of corn. I think many acts have been pointed out; and I shall not now go back to them. But as to the idea that all the statutes from magna charta down, import no more than that the sea shall be open, I confess I do not understand it: it must be owing to my dulness. I have no notion of an act of parliament to make the sea open to our own subjects; there is not a single word to that purpose in magna charta, and I thought the controversy, that has loaded the world with learning as to *mare clausum et apertum*, had only been between us and foreign nations. I hold it to be a fundamental law, that the sea is open to ourselves: and I wish the — would point out a statute opening the sea, to the subjects of  
England

England, where exportation had not been restrained by some antecedent law. But I can surely tell h— of some laws relating to this very matter of the exportation of corn, which do much more than make the sea open: for the bounty act makes the treasury open too, and gives the exporter an indefeasible right, unless taken away by act of parliament, to a reward, in certain cases, for carrying his corn to the open sea. Whether it be true or not what a — said of corn having been made too much an article of commerce, is not the present enquiry: but so the law stands: and it has proved a beneficial law to the nation, not only by promoting agriculture, and bringing money from abroad, but by preserving plenty of corn at home, more than ever was known before; and by saving the great expence to the nation occasioned by frequent scarcities that prevailed before these laws were made: and I do not think such a sudden instance of scarcity as the present, or the present benefit to the public, from the stopping of the exportation by the royal power, will appear to be a sufficient ground for vesting in the crown a dispensing power, as a subsisting right, in order to suspend these laws when parliament is not sitting, or till it meet, even under the favourable colour, or for the necessary end of preventing famine.

The — — has indeed been pleased to say that Brutus would have intrusted Nero with such a power. A — — has already given this good answer, that though Brutus might have entrusted Nero with that power, Brutus would have been very sorry if Nero had exercised it when not entrusted to him. I will add to that answer, that however Brutus might have entrusted Nero safely with a single act which could do nothing but good, he certainly would not have chosen to entrust the best of the Cæsars that ever governed



the Roman empire, with a power, under which, for one good act of a Titus, a Nero might have done as many bad as he pleased, and swallowed up liberty entirely. Such and no other is the suspending power, under which the act in question is justified by the — —, as an act of legal prerogative.

The ——— and ——— the better to accommodate the present case to the great principle of *Salus Populi*, and to prove the embargo to be within the inherent power of the crown, upon that principle, has pointed at a similarity between the stopping of the exportation of corn, and the obliging to the performance of quarantine. And the — — asks, where is the act of parliament that enables his majesty to impose quarantine, all the statutes on the head being only to regulate it? Now for answer, I hope I may have leave to ask a question in my turn, to make the two cases parallel: and my question is, where is the act of parliament that forbids his majesty to impose quarantine; or that enacts, that all ships foreign and domestic, shall have free entrance into the ports of the kingdom without performing it? I know there is none, and such a law would be indeed absurd. But till such a law does exist, it is equally ridiculous to ask for one to impose quarantine, by repealing the other. For, most undoubtedly, it must be inherent in the executive power, to have a right to use means to protect the nation from the plague, not only upon the general principle, that the executive power may act in things for the good of the whole, where there is no prescription of law, but because self-preservation is a fundamental law interwoven in all government, as well as in the humane frame: and the end of government is, to protect and defend the whole from all external evils, of which pestilence is among the worst. But not to rest on general principles, nobody can be so ignorant surely as not to know, that the power to  
impose

impose quarantine is the prerogative of the crown, settled by prescription, and proved by immemorial usage, which gives it a legal beginning. The acts of parliament on the subject do not create, but recognize this prerogative. However if I could suppose so senseless, and perhaps I might say so intrinsically void an act of parliament, as one to exempt from quarantine, I believe I should not scruple to break the law if I could, in a proper case, and trust to the justice of my country: but I should neither justify the breach under an act of the dispensing power, nor be a bit more ready to run the risk for the having such an illegal protection. I should think the principle of *Salus Populi* applied to excuse the act, not to justify the power, a better shield. And at the same time, it is worth observation, that these very quarantine laws, confined as they are to regulations, prove how jealous parliament has been of leaving either the necessity or mode of it to depend upon the discretion of the prerogative, though the thing itself be a fair instance of the original, inherent, and just prerogative of the crown; the regulating laws being, as I understand them, of the nature of explanatory limitations of that part of the prerogative.

Another thing has fallen from the — and — — on the —k, which I cannot help taking notice of. The — — has been pleased to complain of the other —, and — — on the cross bench, for declining to give a decisive opinion upon the legality of the embargo, because (as the — on the —k expressed himself) of questions that may arise in his — t. And the — on the —k, says, he does not ask what may be pleaded on a demurrer in the inferior courts? he stands on wider ground, and in P—t, what is sufficient to justify the act in question? It is very true, the — and — — on the cross bench did decline giving an opinion at present, as to the legality of the embargo, and the

reason he gave was a very fair one, having been informed, as his — says he has been, of actions being brought, which may come before a certain judicature. But his — very candidly, and with great perspicuity, stated what the legality would turn upon if judicially tried; and mentioned how fit it might be to prevent such questions on this occasion by a law for that purpose. This was all very consistent, I think, though it has been glanced at as inconsistent, with the clear and firm opinion given by the — — upon the general point of the dispensing power, which his —, without hesitation, and in the true spirit of the constitution, condemned and spurned. \* As for the question of the — and — on the —k, I own both parts of it strike me with surprise, as well what the — — does not, as what he does ask: and I would have that ~~2400~~, instead of the question he states, asks what can justify an act questioned in any court of law, inferior or superior, but a legal defence? For certainly, if the embargo is not itself a legal act, within the known powers of the prerogative, it can afford no legal defence against any action brought in the courts of Westminster-hall. I am sure the — on —k, can neither have forgot, nor can he differ from a very well founded opinion, which he knows well has been given in one of these courts, and not a great while

\* The — and — — on the cross bench declined, for the reason he mentioned, at that time giving any opinion on the legality of the embargo, on its own particular grounds of law; he has since had occasion to declare his opinion, that the embargo, by order of council, is a direct suspension of an act of parliament. and therefore illegal. In delivering this opinion, the — — made a most excellent speech, supporting it by the dearest principles of the constitution, and animated with the true fire of liberty; which has met with universal applause, and for which his — had (upon the spot) the warmest thanks of the known and most zealous friends of liberty, and of the constitution.

ago,



ago, " That judges can decide only according to law, " and are upon their oaths to pronounce what is law, " and that they can regard nothing but law, not even " votes of parliament." Why then ask even in P--- or in the H--- of L---, sitting in its political, not in a judicial capacity, hearing no cause, nor having any cause before them. What is sufficient to justify any act, if a legal justification is meant? Where the H— of L— hearing a cause touching the embargo upon a writ of error, would any — in the H —, would the great — who presides in that H — j—e, give his opinion upon any other ground than the known law of the land, which no opinion, even of the H— of L— in its political capacity, can alter? Courts of law will receive the law from parliament, and the expositions of it from the H— of L—, as the judicature of the last resort: but I hope they will always judge by the law, and by no other rule whatever. I trust never to see the time come again, when judges will pronounce upon the prerogative of the crown, as dictated to them by a prince or a minister, or even by a political opinion of either house of parliament.

There is but one thing more I can at present remember, of what dropt from the — and — — on the —k. His —, aware of the great affinity between the suspending power, and that usurpation of the crown which usually attended it, the raising money without consent of parliament, (as to which, and even the power of parliament in the matter, perhaps his — entertains some peculiar notions) has thought fit to make a distinction between these two powers; and the one, I mean that of raising money, his — totally condemns and explodes, though his argument of this day has been to support and maintain a degree of the other; that is, in cases of urgent necessity for

the public good, and at least till parliament conveniently can be assembled.

The — says, that the purses of the subject stand upon quite a different footing; that the matter of money has undergone many statutes, down from *magna charta* and the statute, that no tallage shall be levied, &c. and, in short, that it is clear law and constitution, that no money can be raised but in parliament. And his — further adds, that as to money, there never can be a pretence of necessity for raising it during the recess of parliament by an act of the crown, not even in case of the most imminent danger of invasion; because every body knows the difficulty of assembling forces, and of bringing an army into the field, with all its appendages of artillery and baggage, which occasions so much delay, even where there is no want of money; and how long time it would take to levy any money from the subject by such means as could be used in the greatest haste: so that there never could be any difficulty in convening the parliament before any thing could be done that way, and therefore no pretence to anticipate their meeting by such attempts.

I think the purse of the subject is very sacred, and that none have a right to put their hands in it but parliament. I go in that doctrine as far as the constitution carries me, and that is far enough for the security of the subjects property, though I have not any peculiar notions about the magical virtue of representation, and other dreams of that sort. The king and common-council of the kingdom are the known antient, and acknowledged legislature, and I am not for loosening this pin of the constitution as to money, more than any other thing.

But I must at the same time fairly tell your —, that if the opinion I have as to the suspending power,  
or

or the raising money, which are, I am sure, brother's children, stood upon any of the distinctions made by the — I should think it very poorly supported. Nor can I in any sort or kind distinguish between these two usurpations which always went together. I have one short logic for both: I have mentioned it before; namely, That the crown is not the supreme sovereign legislative power of this constitution: and that as money must be raised by parliament, whether the thing be taken on the more abstracted and radical principles of the original constitution, or on the statutes and usage respecting it, which I hold to be all but declaratory and explanatory, from the first to the last of them; so I think every other law, of whatever kind, must be both made and repealed, or suspended mediately or immediately, by the same legislative power that can alone raise money: and I know no greater degree of sacredness in those acts of parliament that secure the purse of the subject, than in those that secure to him the possession of every benefit of law he is entitled to enjoy. I see no difference between an edict of the crown to take money from the subject without authority of parliament, and one to keep money from him that he has a right by act of parliament to receive; and therefore, I think the crown has not, in any case, a right to suspend the bounty-act, by which the exporter of corn is entitled to receive so much money for every quarter he exports.

The princes who were put to shifts for raising money without consent of parliament, because they quarrelled with their parliaments for not tamely surrendering the constitution and all their rights and liberties to them, had no other way of doing it but by levying and forcing money from the subject by various ways and devices. But if that trade were ever to be resumed as the country is now situated, perhaps a fit state



casuist might for once at least, or for a short while during the recess of parliament, fall upon a method of raising more money, without calling for a penny from the subject directly, than was ever raised by ship-money, loans, &c. Suppose only the king was to be advised by the casuists of state necessity, to suspend all the appropriating acts, and stop the issues at the exchequer to the public creditors, it would turn to a better account than when Charles II. shut up his exchequer, to save paying his own debts, that would not be raising money without consent of parliament, but only suspending some acts of parliament; yet I believe this country would hardly furnish a minister bold enough to advise this project, even if an enemy were burning our fleet again at Chatham; which has been mentioned by one great — as an instance of urgent necessity and immediate danger; though the — and — — on the —k does not seem to think even that or any other exigency would be a pretence for raising money without consent of parliament.

To me the dispensing and suspending power, and the raising of money without consent of parliament, are precisely alike, and stand upon the very same ground: They were born twins; they lived together, and together were, I hope, buried in the same grave at the revolution, past all power of resurrection; and as I think neither of them ever did belong to the crown, I cannot admit of any doctrine that maintains the one or the other. If I were to make a difference between raising money and the suspending or dispensing power, I rather think the suspending and dispensing power the most dangerous of the two, as that which might do universal mischief, and with the greatest speed, as it includes the whole. I must therefore enter my most solemn protest, and I do it with  
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all my heart against the suspending and dispensing power in every degree, even to the smallest vestige of it.

But — —, I pledged myself to lay before you the grounds upon which I charge the servants of the crown in this business; and I think they are chargeable with the act itself, which is a dangerous infraction of the constitution, made yet more dangerous by the attempt to justify it under the pretence of prerogative; because, if they had done their duty, there would have been no occasion at all for such an act of power by the crown; and their not doing their duty, to prevent it, is only to be accounted for by the doctrine we have heard to-day, from which we learn, that ministers had taken up the notion of a defensible dispensing prerogative, and were resolved to venture upon the exercise of it, rather than to call for aid of parliament. So that the necessity which at last forced them to advise the crown to interpose, was not only their own making, but of their choice, which caused them to prefer an exercise of power under the name of prerogative to a relief by law, under the authority of parliament. For had the ministers been of another mind, they would have called parliament, when they might and ought to have seen, nay, when the proclamation they caused to be issued against forestalling, &c. testifies they did see, that the remedy was wanted: and if parliament had been called even then, (as it ought to have been sooner,) a legal and more effectual remedy might still have been applied by the legislature, as early as the embargo by the crown took place; instead of which, parliament was not only not called, but was prorogued beyond the length of an ordinary prorogation; and still the remedy which then only could come from the crown, was delayed till it was unreasonably late, and the evil much increased by the injudicious

cious procrastination. But even this is not all; for I shall also shew, that the conduct, or rather the misconduct, which produced the necessity for the crown to interpose at last, if it had been attended with no such consequence as a violation of the constitution, and an usurpation upon the rights of parliament, was, in itself, the most culpable neglect of the public safety, too gross to be reconcileable with any notion of the duty of those who undertake the care of the state, or with any measure of fitness for that situation.

I will say in general, that he is not a moderate minister, who will rashly decide in favour of prerogative in a question where the rights of parliament are on the other side: and I am sure he is not a prudent minister, who, even in a doubtful case, commits the prerogative, by a wanton experiment, to what degree the people will bear the extent of it.

But —, rashly, and wilfully, to claim or exercise as prerogative a power clearly against law, is too great boldness for this country: and of all things in the world, the suspending or dispensing power, that edged tool which has cut so deep, is the last that any man in his wits would handle in England:—that rock which the English history has warned against with such awful beacons:—an attempt that lost one prince his crown, and another both his crown and his head; and that at length expelled their family out of this land of liberty to the regions of tyranny, as the only climate that suited their temper and genius: — a power, the exercise of which stands branded as the subversion of the constitution, in the front of that truly great charter of your liberties, the bill of rights. A minister who is not afraid of that power, is neither fit for the sovereign nor the subject.

I love a bold minister when he keeps in the true sphere. In times of distress and danger, boldness is a jewel:



jewel : and with joy I have seen bold, even wild enterprises succeed, though hardly within the die when undertaken.—But the enemies of our country are the proper subjects of our boldness,—not the constitution.

I must further observe, that if parliament was either not called when it might have been called, or was prorogued, and prorogued to an unusual distance, when it ought to have been assembled, the power that has been exercised, as a pretended prerogative competent to the crown during the interval of parliament, is, even upon the principles argued from the other side, as mere an usurpation, as if those who contend for it, in that way, admitted what I maintain, that the power has no being at all, in any case or under any circumstances whatever. For it is precisely the same thing, upon the argument, as if the deputy or substitute, who has power to act only in the absence of a principal, should supersede the principal, merely by not calling for him, when there was occasion to act. And at the same time there cannot be a stronger demonstration of the exceeding great danger of this pretended prerogative of a suspending power, even under the restrictions conceded, than this, that the occasion which creates it, depends upon the crown itself, whose undoubted prerogative it is to call parliament, and fix the time of their meeting ; so that there can at no time be any security against the exercise of this power, if there were a sinister view to be answered by exercising it.

This, — —, at least we may venture to affirm, that if there were really such a prerogative, depending for its existence upon the recess of parliament, there would need to be the greatest imaginable circumspection observed in calling it as soon as practicable, when there was occasion for the exercise of the power, that  
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it might be as short-lived as possible, and as soon brought under the controul of parliament as could be. On the other hand, if necessity is the sole foundation of this dangerous power, or prerogative, which ever it be, it behoves those who advise the exercise of it, not only to see that the necessity is indeed invincible, but that it has not been occasioned by any fault of their own. For if it is not the one, the act is in no way justifiable; and if the other, that very necessity which is the excuse of the act, will be the accusation of those who occasion it; and in place of being justifiable in their conduct, they must be chargeable first with the blame of the necessity, and next with the danger of the violation of the law, as the drunken man who commits murder, justly bears the guilt both of inebriation and bloodshed.

But nothing can so well put the conduct of administration in the true light, which will shew it to be most indefensible, as a few facts, of which it will not cost many words to remind your——. And let me first beg your — attention to the defence made for administration by themselves, as it has been given by two of the m——rs. One — in a great — (the S— of —e) has said, he was astonished when he found that in the act passed last session, there was no provision giving power to the king and council to prolong the prohibition beyond the 26th of August, and that he could hardly believe it. Another — in a h——e (my L— P——l) says, he was amazed when he made the same discovery; and to distinguish his greatness by a superiority above the trifles of the end of last S—n, he informs the — that he went to B—h before P—rose, and did not know so much as whether it broke up in May or June.—This is really an extraordinary tone of *burlo-thrumbo* greatness, and it may, for aught I know, carry a great air with it; but I think it is very strange language. And fancy if your — find any other

other reason to join in the amazement and astonishment of these two great —, it must be that they were both so ignorant of what it was their indispensable and most urgent duty to be acquainted with, and what I should imagine very few besides themselves did not know. The surprize can only be sunk in another wonder, still greater, that so unaccountable ignorance should be avowed and offered as an apology for the most inexcusable neglect of a most necessary duty, upon an attention to which the safety of the kingdom depended.

But when was it that these attentive ministers made this amazing discovery? So very early, we are told, as the last day of August or first of September, when the prohibition by the last year's act was expired. And what was it that brought so immaterial an object, as an alarming scarcity, a threatened famine, under the consideration of the ministry? A letter which it seems was received from a watchful magistrate, the late Lord Mayor of London, who is but an inferior minister of government, though in an office of great state and dignity.

Thus, by the ministers own account, from the middle of July, when his — called them into his service, to the beginning of September, they had not once bestowed a thought upon the prognostics or proofs of a general scarcity, though it was the subject of writing in all the daily news-papers, the cause of disquiet in all quarters of the kingdom, and of conversation in every company, that of ministers, I suppose, only excepted:

*Sidera quis, mundumque velet spectare cadentem,  
Expers ipse metus?*

The patriotic ministers, however, did not themselves feel; and if we may judge of things that are not seen by those which do appear, they were engaged



in the more important business of settling who should cede that another might succeed, what reversion or pension one should have, and what compensation or encrease of emolument another should have out of the over-flowing treasury of this rich, opulent, and unincumbered country. Had a single hour of the many days spent in adjusting the arrangement for one office, been employed in consulting about the means of preserving bread to the poor, miserable, hungry, and oppressed subject: the flints that struck each other in that jostle for place, might have cast as much light upon the law at least, as to have shewn what the contents were of one, not to say of three acts of parliament to prevent scarcity and famine, passed but a few months before.

What were the circumstances of the country, when administration was in this callous, torpid and benumbed state? If we compare them with the situation in which things were when parliament took up the consideration of the corn last session, and passed the several acts for securing a national supply, we shall not be able to avoid seeing a remissness and inattention in government, on this occasion, that is really not to be conceived, even after the ministers have told us, that truly they had not so much as once looked into these laws of last session, so late as the 30th of August when the lord mayor wrote to them.

In the petition of the city of London presented to parliament, which is dated the 17th of January last, it is set forth, that wheat for bread had for three months been from thirty-nine shillings to forty two shillings. In that situation parliament thought the matter worthy their attention, and that remedy was necessary: And three bills were brought into the h. of c. which all passed into acts; one to prohibit the exportation of corn; another for liberty to import oats and oatmeal and

and a third for liberty to import American corn. These bills passed the H. of C. about the seventh of February, after which they had their course through the H. of L. and received the royal assent some time after, and your — will please to attend to it, that even before these bills passed, wheat was come down to thirty-five shillings and six-pence; and in April the best corn was down at thirty-four shillings and sixpence, the worst at thirty two shillings, owing to the remedy interposed by parliament; which your — fee was so quick and immediate in its operation, that the prices fell even before the law was passed: Of such importance and effect is the proper remedy, when applied by parliament seasonably and timely. Yet under that fall three or four shillings below the prices upon consideration of which the city of London petitioned and the parliament proceeded to bring in bills, did the legislature judge fit to pass the several laws; and very wisely, because their not doing so would have had just the contrary effect, and have raised the prices above what they were, when the matter was taken up, for the same reason that the doing of it lowered them so greatly immediately.

The prohibition act was made to expire the 26th of August, and the two others for liberty of importation expired the 29th of September: And there was no power given by the act to the K. and C. to continue the prohibition.—So much for what past last session.

Now for what concerns the ministry of this year, to shew their attention. By the weekly returns of the prices at Bear-key, it appears that upon the 28th of July (by which time I believe the administration had taken its form, for the dictator was set to work about the 12th) wheat was at forty-four shillings, that is two shillings above the highest price when the city of London petitioned parliament in January, and no less than  
eight

eight shillings and six-pence higher than when the bills of last session passed. August the 4th it was forty-five shillings, advanced a shilling; August 11th it was forty-three shillings; August 18th forty-four shillings; 25th at forty-five shillings; and by September 18th it was got up to forty-eight shillings and three-pence; and was at forty-nine shillings on the 15th and 22d of September.

The prices at Bear-key are the barometer for plenty and scarcity, which the law has pointed out to magistrates, and to ministers too, unless it be no part of the duty of ministers to take care of the provision of the country, because they have not, like the Lord Mayor and Aldermen, the assize of bread to set weekly. The authentic and legal information is at hand, if they will but send to Bear-key or Guildhall for it: And one would think that ought not to be omitted at any time when the state of the country as to corn is but doubtful or suspicious. In a year when there had been a scarcity, and no less than three temporary acts of parliament to provide against it, such an omission must be deemed strange inattention, an unaccountable neglect.

From the list of prices I have given your —, you see how much worse the state of the country was in the months of July and August, than when parliament was applied to last sessions; still more so than when the acts of last session passed: And the state of the weather we all know was for a long time most threatening, especially coming after a year of scarcity. God knows what would have been the case, if the season had not taken a favourable turn towards the harvest, as in kind providence it did: Yet all this while, not the least mark of care in administration. The ministers who had the watch, instead of looking out, seem to have been the only quiet and unconcerned persons in the kingdom: they did not so much as enquire whether



ther government was armed with a power of prohibition.

This is really hard to be credited. If the Ministers had no friends to inform them of the expiring law; surely their own reflection, had they used any, might have told them long before the 26th of August, that there was too great a probability some farther remedy would be necessary. And parliament (if it had been worth while to give any attention to what they had done) had marked a line of direction for administration, with the greatest exactness, by making the prohibition continue till the 26th of August and no longer; because there could not sooner be any supply from the new crop, and it must before then be known what the harvest was, and how the crop turned out: So that if, by disappointment in crop, there were need for a fresh prohibition or other remedy, parliament could be called in time to apply it. Parliament had thereby given at the same time the most explicit testimony, not only that they understood it to be their province to give the remedy, but that they had now reserved the cognizance of the affair to themselves, not chusing to delegate it to the crown, even during the recess, as had been done frequently before. If administration had chosen to follow the line given them by parliament, they had a plain path to walk in; which was no other than this, to keep their eye upon the state of the country; and if there appeared to be the least hazard of the need of a further prohibition, to keep the prorogation of parliament upon such a foot, as that it could be called in time, and with a reasonable notice too;—a method that the journals shew has been often practised on like occasions. Instead of this, administration took no thought, gave no attention to the matter at all; and of themselves neither did, nor shewed any intention to do any thing, notwithstanding the circumstances of the country, as

vents turned out, made the affair of such consequence.

But was the conduct of administration a bit better, or wiser, or more like government, when they were waked out of their first sleep, and goaded on to their duty, by others to whom their country was more obliged? Not one whit: but if possible rather worse. Of this also there is the fullest evidence.

After waiting till the end of August, when the state of the country was beyond conjecture, the Lord Mayor of London, in the letter which he wrote to the three great ministers \*, told them the stock of grain on hand was very small; that the harvest had failed, and was unproductive; and that there were then (already) come commissions for buying up corn here unlimited in price, and to an immense extent; that therefore it was indispensibly necessary some measure should immediately be taken to stop the exportation, otherwise the kingdom would very soon be drained, and a want at home. This was material information indeed, and it was as authentic as material; for your — will reflect from whom it came — not only from the chief Magistrate of the metropolis, but that magistrate himself the best informed that any one could be, from his private situation, being the greatest corn-factor in England, perhaps in Europe; a worthy and sensible gentleman, well known in both houses of parliament, where he has often attended on occasions relating to corn, called upon as the ablest in the kingdom to give information in these matters. Such was the person who gave this information to government; and it was the more worthy of regard, and ought to be mentioned to his honour, that his duty as a citizen of the commonwealth, as well as a magistrate in the high office he then bore in the city of London, prevailed over his own private interest, as there was not another man in the kingdom so much

\* D of G. — E. of C. and — E. of S.

interested in the profit to be had by the commissions from abroad. It were to be wished, though I am not enthusiastic enough to hope it, that such an example of disinterested patriotism and public virtue would ascend. But in late transactions, my lord mayor's vigilance in office as a magistrate has not been more woefully contrasted by the neglect of ministers, than his noble contempt of gain in his private character as a man, by the pensioned avarice of his superiors ;—An excellent foil to illustrate the splendor of his virtues !

What did this information produce ? Just nothing ; at least nothing for the relief of the country. My L— P— S— and the S— of S— went to statute-books before unopened, not dog-eared, and there made the amazing astonishing discovery, that the act of parliament of last session gave no power to the king and council to prolong the prohibition. There government rested : the kingdom was left to be amazed in their turn, and my lord mayor's letters added to the lumber of the public offices.

The consideration of some weighty and important affair thus forced upon administration, was yet laid aside for some days ; and your — will not forget, that at this time parliament was not prorogued, though there had been no thought of calling it, as there should have been much sooner ; and if it had been called when my lord mayor's letter came, which represented the indispensable necessity there was of taking some measure, and when the wonderful discovery was made that no powers were left with the king and council, it might have been assembled by the 20th of September, on twenty days notice, which even the — on the W—k has condescended to agree would be due notice : or if six days more had been given, still it might have met to apply the legal constitutional relief as early as the time when



the dispensing power was exerted under pretence of the recess of parliament.

It would seem however, that after a week or ten days consideration, it was thought necessary to put some mark of respect upon my lord mayor's letter : And it has been said, that a council was held about the 8th of September, when, by the Bear-key prices, wheat was only at forty-eight shillings and three pence. But that council ordered no embargo ; neither was it judged reasonable or necessary to call parliament. The council however did somewhat, rather I think to amuse and shew their ignorance than any thing else; though it is like the amusement in the fable of the frogs. Accordingly that wise and useful proclamation against forestalling was brought forth, bearing date the 10th of September : And for quieting the minds of the poor starving people, and ministering present and effectual relief to their distress, it publishes this comfortable news, that the prices of corn are already very much encreased, and the same is likely to grow much dearer to the great oppression of the poor. The people cry for bread and the ministers gave them a proclamation ; nay, lest one should not be enough, they gave them two of the same date, and in the same Gazette ; and the second much worse than the first. I cannot on this occasion drive from my mind these words of the scripture, which say, “ If a son ask bread from any of “ you that is a father, will he give him a stone ? Or “ if he ask a fish, will he for a fish give him a serpent ? “ Or if he shall ask an egg, will he offer him a scorpion ? ” Perhaps two such proclamations never were coupled together. The one proclaims a growing dearth, when the ports were by law open for the free exportation of every ounce of grain in the kingdom, with the highest temptation to export, by an unlimited demand from abroad, to prevent which no remedy could  
be

be legally applied but by authority of parliament : and under these circumstances does the other proclamation prorogue the parliament to the 11th of November, sixty-one days.

If it had been the purpose or deliberation of government to aggravate rather than to alleviate the distress of the country, and by driving to despair, to promote insurrection and fire, what more effectual method could have been pursued? I speak to facts ; and it is well they are proved, for I should not expect to be believed without evidence. What were the consequences? The question may well be asked ; but I shall not answer it, for fear I should seem to justify what I condemn and regret.

But I will tell your — what happened after these proclamations. Wheat that was at forty-eight shillings and three-pence on the 8th of September, was at forty-nine shillings on the 15th and 22d : and there were risings, riots and tumults, in all corners of the kingdom, and troops marched from county to county, to quell insurrections by military force : Famine and the sword met : murders have been, and executions must be : the laws trampled upon and transgressed by the people : acts of parliament from a careless necessity, broken, and suspended by power without right, royal authority, that is, unfounded prerogative, (for royal authority and prerogative are synonymous convertible terms) : royal authority, I say, exerted against law. For at last, when no legal remedy was left for an insupportable evil, the embargo by order of council, that violent, but then necessary, and also inadequate remedy, was issued the 26th of September. It was forced by the cries and risings of the people, and by petitions from the great cities, and particularly the petition presented to the king on the 23d, from the lord mayor and court of aldermen of London, who could no lon-

ger remain silent spectators of the distress and danger, which near a month before had been represented in such strong terms to the ministry, by their worthy and vigilant chief magistrate, in a more private capacity and form.

As to what has been said in the debate, that the facts laid before the council on the 10th of September, which issued the proclamations against forestalling, and for proroguing the parliament, were not sufficient foundation for their proceeding to an embargo; that it was then only a surmise of scarcity; and that the circumstances were so much changed before the 26th, when the embargo was ordered, that it could be no longer delayed; I own I cannot understand what it means: for we see by the Bear-key returns, that (as already mentioned) wheat was at forty-eight shillings and three-pence, on the 8th of September, that is above the bounty price; and it was but nine-pence, higher, viz. forty-nine on the 22d of September. But the order for an embargo is really the ministry's indictment drawn up by themselves: for it sets forth as its ground the very information that the lord mayor of London had given the ministry twenty-six days before; and upon those grounds of urgent necessity now impending, that is, that they had been certified of as impending a month before, and for the safety, benefit and sustenance of his majesty's subjects, his majesty then only, by the advice of his privy-council, orders an embargo on wheat and wheat flour, and nothing else. And the necessity of laying it on by the royal authority is stated in these expressive words: "And whereas the parliament standing prorogued to the 11th of November next, his majesty has not an opportunity of taking the advice of his parliament speedily enough upon the present emergency, to stop the progress of a mischief daily encreasing, and which, if not immediately provided against, might



“ might be productive of calamities past all possibility of remedy :” A very just account of the situation of things that had been the present emergency for the two preceding months, and of the necessity of the speedy remedy that had been so unaccountable delayed to be applied in any way during that time, and that a voluntary act of administration, in the prorogation of parliament, when the emergency was come to the worst, had rendered impracticable in the legal and proper way. But the most curious part of the whole is, that the want of an opportunity of advising speedily enough with the parliament, is spoken of as a common or unavoidable and unforeseen casualty, though the ministry themselves were the cause that his majesty could not then have, and had not even sooner had that opportunity.

But if the proclamation for the embargo is considered as a remedy, even this act of power, now justified as prerogative, was itself but the crowning blunder, by confining the embargo to wheat and wheat flour. The wisdom of parliament extended their prohibition, under less pressing circumstances and lower prices, to all grain, and every thing of corn kind, bread, biscuit, and starch. And one would have thought, that when the crown was advised to suspend acts of parliament for the public good, the dispensing power might also for the greater good of the public, have paid that compliment to the act of parliament, to have followed it fully, and not in a part only, when the whole prohibition was far more necessary than at the time the law was made : not to say that the example of parliament was at least a sort of shelter for a prerogative-usurpation upon its power. But even without resorting to the wisdom of parliament for instruction, such an error as the omission of prohibiting the exportation of all manner of grain in the proclamation, could not have been fallen into, without either the greatest in-

attention, or most amazing unskilfulness; for hardly any body is so ignorant as not to know that a diminution of any one species of grain, not only raises the price of that particular species, but affects all the rest, because of the increase of consumption of these occasioned by the want of the other. And so the exportation of barley, which was not restrained by the embargo, has contributed to keep up the price of wheat, besides enhancing that of malt to an intolerable degree\*.

¶ If parliament had been called in time, there might have been more early, and there certainly would have been a more adequate and satisfactory remedy applied to the evil: and the very prospect of the meeting of parliament would have kept the people quiet, as they will always have more confidence in parliament than in any administration, and will patiently wait for the relief for which they naturally look up to the legislature. But in a ministry that from the beginning had paid no attention to the calamity, either in its presages or effects, and that cut off all hopes of parliamentary relief by a prorogation, when they proclaimed the evil to become to a great height, and still growing; in such a ministry the people could take no confidence, nor could they indeed be expected to continue quiet under such circumstances. From mi-

\* The parliament lost no time in remedying, as fast as they could, the blunders of administration. They revived the prohibition act in its full extent; renewed the two other acts before mentioned, which expired on the 29th of September; and have taken other wise and necessary precautions. But that there might be no public act with regard to this great concern, the prevention of famine, executed by administration, without some egregious blunder, and some glaring proof of ignorance and inattention, the privy-council, though they had a power to prohibit distillation till twenty days after the meeting of parliament, prohibit it only for three. In consequence of which, all the distillery might go on till the act passed to stop it.

nisters

nifters capable of blundering so grossly in so plain and necessary a business as the care of provision for bread to the kingdom, what may not be expected of the blundering kind, in other matters of more difficulty, for of more importance there can hardly be any? With steersmen at the rudder so inexperienced in our own ports, the ship is not to be trusted in the wide sea.

Some pretences have been made, I cannot call them excuses, for not calling the parliament, which has been the *origo mali*. One — speaks in a contemptuous stile; he says all the difference is, that the king has been advised by his little instead of his great council.

This way of speaking is unconstitutional, and ridiculous. I hope parliament will always maintain its own super-eminent distinction, and mark it so as it shall not be the bye-word of any minister, by shewing on this, and every other occasion, that the king's privy council, which the — — calls the little council, is indeed little in comparison of the great council of the nation, as well as of the crown; and that this little council, or any one man, who dictates to them, never shall be intrusted with the power of suspending or dispensing with the standing law of the land, on any pretence whatever. If that were allowed of, there is no law so fundamental but might be subverted, nor any government more absolute than that which might be introduced.

The — says, “ he does not inquire whether my lord mayor's letter was wrote a day sooner or a day later.— There is a littleness, says he, in minding dates of proclamations, — the day of laying the embargo, of proroguing the parliament, and the day fixed for its meeting — These are *minutiae*, beneath notice: saving a country from ruin is a great object.—He goes to the great object of preventing famine.

—Saving



—Saving a country from famine is a great object ; but it may depend on nothing so much as *minutiae*, such as the — would overlook. It did depend upon such *minutiae* as dates in this instance ; and the oversight promoted the famine, which attention might have prevented, sooner, and to much better effect.—But surely no instance can ever be more unfortunate, of contemptible *minutiae*, than that of minding of days and dates, when the safety of a country is concerned. States have perished by the neglect of an hour, and moments have decided the fate of empires. The prorogation of parliament, in such a season of calamity and danger, was no minute blunder. Last year that —said he could not commend the then administration for calling parliament early, as they termed it, because he thought their speed was delay, in such a conjuncture as that was ; though the ground of his complaint of delay was not that America had been suffered to continue in rebellion for months, but that so much time had been lost in given these poor oppressed subjects relief from the grievances, which he thought justified their mutiny. Now when one greater and wiser than all other men is minister, days and dates are *minutiae*. It is his prerogative to blunder and be blameless.

But, says the —, parliament could not have been conveniently assembled sooner.—It may do for great — who live at their fine palaces in the neighbourhood of the capital, to come up here at any time ;—and to be sure any man may get upon the back of a post horse, and ride as fast as he can :—but it will not suit all the members of the two houses, that are to be brought from the East and the West, from the South and the North of this large kingdom, to call them from their houses and their domestic affairs, at an inconvenient season, and upon short notice.—This cannot be done without notable inconvenience.—And nothing

thing is so dangerous as surreptitious meetings of parliament.—The great security of our liberties consists in calling parliament upon full notice, to prevent all surprise.—And by surreptitious conventions, all countries that have been enslaved, have lost their liberties, of which confident assertion, he however neither did nor can give one instance from any history.

Must we then, —, for fear of a surreptitious surrender of our liberties by parliament, trust the privy-council with a power that would subvert our liberties, and render our property precarious? But can the lowest number of lords and commoners that can make a parliament, be less safe than the little council? The law of the land has taught me that parliament assembled without any notice at all, is a better security for our liberties than any privy-council; and therefore, upon the critical emergency of a demise of the crown, parliament is by statute appointed to assemble immediately, however it may happen to stand prorogued at the time. So jealous is the constitution of a pretence left to the successor to the throne to govern with his privy-council without parliament. But —, it is very extraordinary to bear the danger of a surreptitious assembling of parliament, used as an argument against haste in a season of imminent danger, by those who argue for necessity as sufficient to suspend and dispense with laws and acts of parliament? Is there more safety in making necessity a law-maker, or a *lex temporis*, than in making it only a hasty conveener of the true legislature of the kingdom? — Ministers may not be fond of the meeting of parliament, even when they do not fear much harm from it to their power; because, though it does not immediately or certainly destroy, it puts them to mind, in the midst of their arrogance, that they are mortal, like the slave in the triumphal car. For my part, I have no fear of parliament, called any how: but I have great fear of a  
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power in the privy-council that would supersede parliament. It was the rump of a well-weeded parliament that abolished the monarchy, but no proclamation can garble either a house of lords or commons : and before any number assembled surreptitiously could sit long enough to attempt a surrender of our liberties, the most distant member, who did not chuse to be a slave, would find his way to Westminster, if the back of a post-horse would carry him ; and the traitors would very soon find that they had only forfeited their own heads, to confirm the liberty of their incensed country. In the present case, however, there was no occasion for a hasty convocation of parliament. Government needed not to have been run to the *minutiae* of hours or days. Had parliament been called, even when it was culpably prorogued, it might have had a longer notice than many sessions have sat upon. Nor can I see any notable inconvenience in calling it so soon, unless that the — could not have staid so long at the waters ; as I presume it could not have safely met without his — presence to guide it. As to forty days notice being necessary for calling parliament, it is an assertion without all foundation, contradicted by usage, and by the very stile of the usual proclamations, which speak only of due and convenient notice ; to effect which there is no charm either in the number forty, thirty, or any other. I was surprized to hear the — and — say, he held it to be the law of parliament, that forty days was necessary. There is no such *mos parliamentarius*. And the — must have forgot himself : for in the very first year of this reign, parliament was called and sat for dispatch of business on twelve days notice by proclamation. The — — knows who then advised his majesty, and was in the first office in the kingdom. But if it were necessary to go into them, numberless instances since the union, are ready to be pointed out, of parliament being



ing called and sitting on twelve, sixteen, twenty days, and other indifferent numbers : and the — and — — is unsupported in this opinion, which is, indeed, totally a mistake ; the other — and — — on the — — k having agreed that twenty days is due notice. There remains therefore no cloak for excuse for the blunder of proroguing parliament for sixty-one, instead even of forty days, at a time when it was so necessary to have assembled it upon the shortest notice for which there was any precedent ; and when, if it had been called even upon twenty days from the date of the proclamation proroguing it, it would have prevented the necessity for an embargo by the crown against law, and hindered those dangerous tumults and insurrections that at last extorted an act of such dangerous example from administration.

— — The occasion is my apology for having said so much ; yet it is but a small part of what might have been said on the subject, upon which I have taken the liberty to trouble you.

— — I am not afraid of the just prerogative of the crown. It is a part of the constitution, and it is salutary. “ The people’s liberties strengthen the king’s prerogative, and the king’s prerogative defends the people’s liberties. So said the unfortunate Prince Charles the I. But he said it falsely and deceitfully, applying it to his own depraved principles of government, in which he was nursed up to his ruin, by a father who never sat in that chair, but he taught like a royal professor, the doctrines of arbitrary power to your — — ancestors, who were but unapt scholars. What the self-deluded, and self-destroyed king said deceitfully, I think sincerely in the just sense.

Neither, — —, do I fear the power of the crown, in the hands of the gracious prince now reigning. He made it his early declaration from the throne, that our liberty

liberty was as dear to him as his own prerogative : and I trust a line of illustrious descendants sprung from him, will inherit his zeal for the liberties of this country, the laws of which transferred the imperial diadem of these realms from those that are not worthy of it, to his majesty's august house. The freedom of the subject is the brightest jewel in the crown. It is the super-eminent prerogative of the kings of England, by which they excel in glory all the sovereigns on earth, that they rule over freemen, not over slaves. The Brunswick line esteems it so. They have shewn it.

But, — I dread principles, the scars of which this nation yet bears : — principles destructive to the people, dangerous to the prince : — principles that that lie at the root of all the illegal prerogatives usurped, and all the arbitrary power exercised by a Charles or a James.—These principles I will resist, adopt or countenance them who will. I will resist them not more from regard to liberty, than from love to my sovereign and his family. They are poisonous principles, and they are infectious. If it were possible to deceive even the elect family—to impose upon a prince of that house chosen to maintain our liberties ; it could only be done by principles found in the mouths of the professed friends of liberty, who have got access to the royal ear by such professions. The safety of the crown, as well as the security of the subject, requires us to shut up every avenue that could lead to tyranny : And he who would unbar those gates which exclude it, is not, in his heart, far from the lust of it. I will suspect no man without a cause. But I will trust no man with what the constitution has not made a trust ;—with any power that must do a general mischief ; tho' in a particular emergency, it might have a chance of doing some good. Such a power I will not trust in the crown ; no, not for a case of necessity. — For as Lord Falkland, while he remain-  
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ed the advocate for liberty, and before he lifted in the service of King Charles's despotism, said, speaking of the ship-money judges, and their criminal opinion, " when that necessity which they would have so absolute and certain, takes place, the law of the land ceases; and that of general reason and equity, by which particular laws at first were framed, returns to the king's throne and government, where *Salus Populi* becomes not only *Suprema* but *Sola Lex*; at which, and to which end, whosoever dispenses with the king, dispenses with us, to make use of his and one another's."

— — Men are but men. Unwise and unsafe trusts, are the surest inlet of treacherous, infamous breaches of trust. The history of England shews how quickly, and shamefully, heroes for liberty have become tools of despotism. But, to use words I have heard from a certain noble Lord, when such expressions served his turn,—If we see an arbitrary and tyrannical disposition somewhere, the call for watchfulness is loud. Danger knocks at the gate. A tyrannical subject wants but a tyrannical disposed master, to be a minister, of arbitrary power. If such a minister finds not such a master, he will be the tyrant of his prince, as much as of his fellow-servants and fellow-subjects. I should be sorry to see my sovereign in chains, even if he were content to wear them;—to see him unfortunately in chains, from which perhaps he could with difficulty free himself, till the person who imposed them runs away; which every good subject would, in that case, heartily wish might happen, the sooner the better for all. We are a free people; and I am for a free king\*.

\* The parliament passed an act to permit the importation of foreign barley, barley flour and pulse to remedy if possible, the mischiefs which have arisen from the embargo on wheat and wheat flower only; so that the public were obliged to buy, at an enormous price, the very grain which had been exported out of the kingdom.



THE CASE OF HIS GRACE THE DUKE OF PORTLAND;  
RESPECTING TWO LEASES, LATELY GRANTED BY  
THE LORDS OF THE TREASURY, TO SIR JAMES  
LOWTHER, BART. WITH OBSERVATIONS ON THE  
MOTION FOR A REMEDIAL BILL, FOR QUIETING  
THE POSSESSION OF THE SUBJECT.

**A**S I shall have frequent occasion in the course of the following pages to speak of the debates and proceedings in the late parliament, I shall premise, that I consider myself fully at liberty to canvass their conduct, though they were but yesterday in the plenitude of their power, either to redress grievances, if they had so pleased, or to leave them unredressed, which they thought the preferable part, as any faithful historian would be, who should have occasion to relate events in the pensionary parliament of Charles the second, or any other the most obsequious that can be found in our antient annals, either in the prerogative days of Stuarts and Tudors, or the violent race of Plantagenets. I shall use no ambiguous terms of certain noble persons, or a certain august assembly, and all the shifty phrases for conveying hints instead of affirming. I shall relate the conduct of the board of treasury, leaving it to the public to judge, whether or no they have been guilty of an unjust and violent attack upon private property, to serve the purposes of an election; and I shall leave the late parliament itself, to be handed down to posterity, as having refused redress to their constituents of such grievances, and having denied the proffered security for their fellow-subjects, against future attacks of the same kind. Let the public judge how fit those men are to be trusted with the administration of government, who think it sport to involve the holders of landed property in law suits with the powers

powers of the crown, after an uninterrupted enjoyment without question of their title, for more than threescore years, and this for no pretence of crime, or other visible cause, than that the tenants of the party thus attacked, oppose, in right of their own private property as free-holders, the election of Sir James Lowther for the county of Cumberland. As to the personal conduct of the members of the last parliament it behoves us likewise to be fully apprized, not, I fear, that it would have much weight as to the future election of many of them into parliament, should the terrors of government be held out to such refractory constituents, as to refuse to return their dependants and favourites. But still it is an advantage always to be apprized of the danger, if at any time hereafter so great a calamity should lie in wait for us, so severe a visitation for too general profligacy and venality of constituents, as find the liberty and property of themselves and their fellow-subjects, betrayed by their own profligate and venal delegates.

“ A motion was made on the 17th of February, 1768, in parliament by Sir George Savile, and seconded by Sir Anthony Abdy, for leave to bring in a bill for quieting the possessions of the subject, and for mending and rendering more effectual an act of 21st of James I. for the general quiet of the subject against all pretences of concealment whatsoever.

The puport of this act of 21st of James I. is, that a quiet and uninterrupted enjoyment for 60 years before the passing of the act, of any estate originally derived from the crown, shall bar the crown from any right of suit to recover such estate, under pretence of any flaw in the grant, or other defect of title. This act at that time, therefore secured the rights of such as could prove their possessions 60 years, but, by it's very nature, has been continually diminishing

VOL. II. U

nishing in it's effect, and departing from it's principle, since it would become as necessary to prove a possession of 205 years, as it was then to prove 60. Thus by a kind of retrograde inversion of the principle, security wastes and weakens, instead of gaining strength, by time and possession: and he who has longest enjoyed, is the most perplexed, and may now be most liable to any vexatious law-suit, that any board of treasury, to serve any clandestine purpose, may at any time please to institute. The proposal to amend that bill, and to render it more effectual towards the quiet of the subject, was simply this, that an undisturbed possession of 60 years (or any such term as parliament should have thought proper) to be taken backwards from the time being, should be a security from any suit to commenced by by the crown, or any of it's ministers.

This motion was introduced upon good grounds, and supported upon those principles only, without any personal attack upon the administration or the members of the board of treasury, nay expressly guarded against even the appearance of serving any immediate an personal purpose, or taking in, any pendent or recent case: But as an evil conscience will betray itself, and the galled jade will winch, the mere proposal of securing the future quiet of the subject, was wormwood at that time to those who laboured under the consciousness of their own past and recent conduct. They made a faint attempt, worthy indeed of themselves, to oppose the salutary principle of the bill, by ransacking the tombs of tyranny for argument, and holding up the relics of prerogative for adoration, by daring to contend in the face of their country, that it would shake the fundamentals of the constitution even to limit ministers under the crown, from harrassing the private subject, with antiquated claims, vexatious suits, and threats  
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of confiscation, and by such other detestable doctrines as made their own servile dependents shudder to hear. Feeling their weakness on this ground, they left the interest of public in this great question, for the private cause of endeavouring to colour, misrepresent, and explain away (if they could have done it) the iniquity of their own conduct in the particular act of violence towards the Duke of Portland's property, for which they felt that very impartial man in the kingdom (tho' few indeed are uninterested in the consequences of this precedent) must hold them in abhorrence. But even upon the private ground they succeeded no better than on the public, tho' every circumstance was planned by themselves, cards sent to summons their dependents *pro aris et focis*, and all parties to the trial of accuser, criminal, advocate and judge united in the person of the ministry. Self accused even in their own argument, the ministry; criminal, the ministry; advocate, the ministry; judges, the ministry. Yet I will venture to say that that ministry shall bear in their fore-head from that day, the mark of reprobation which no future times shall separate from their names and memory. And I will likewise venture to hope and foretell, that the very next parliament shall to their eternal disgrace, erect a victorious monument *ære perennius*, of private property rescued and secured from the violence, breach of faith, injustice, and profligacy of hireling ministers.

I have no hesitation or scruple to avow, that the cause which I am going to lay before the public is a private concern, for what cause can be more interesting to the public, or more universal, than the defence of private property against oppression and the hand of power. The friends to the future peace and quiet of their country, could not have wished for a favourable incident. The property put into litigation

is not inconsiderable itself (about 30000*l*.) but it is far from being the most material part of the noble duke's inheritance against whom this attack is made. It might have fallen upon some other crown-grantee and have been his all. Such a case might excited more compassion, yet the evil consequences comprehend under the precedent and principle, have no less tendency against the public quiet, tho' it has happened to a duke.

I will anticipate one circumstance, viz. that the grant of part of the Duke of Portland's property, was made out by the treasury to Sir James Lowther without consulting the crown lawyers, or hearing the Duke of Portland's lawyers, as to validity of his present title and possession. The only reason of this must be, lest the Duke of Portland's title should have been so clearly made out, that they could have had no pretence of granting a lease to Sir James Lowther to serve the temporary purposes of the next election, but even here they have failed, having so far overshoot the mark in Cumberland, that the laudable spirit of the freeholders has been disgusted and not terrified at such violent proceedings. I conclude from all this that we shall freely be acquitted by the public from being actuated by motives of spleen or pique or panic, neither being galled by the appearance of the election, nor yet the Duke of Portland under any apprehension of losing the smallest part of his property. As to the expence of the law-suit, there are but few so well able to support it as himself, and none more willing, like Hampden, to go thro' every form and every court of law, whatever be the vexation or expence, having the fullest hope and confidence, that his case may furnish an opportunity of enacting some salutary law, that shall henceforward protect his fellow-subjects from such vexations; not that his ability, his readiness or resolution to stand in  
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the gap for the general quiet of private property, does in any sort extenuate the conduct of the board of treasury in this act of violence, but is on the contrary the greatest reproach and aggravation.

As to the proposed bill, the leaders of the late parliament, with all their store of prerogative doctrines could not look it in the face, but after having exposed the blackness of their secret thoughts, even with a venal majority of three to one on any other question, they did not dare to decide upon this, their most implicit dependents at any other time, having refused to fight under the high flying banners of prerogative set up by them. Being defeated in this attempt, they could only obtain a delay of this bill, after the universal sense of the house (the few ministerial advocates for prerogative excepted) was expressed, for taking up the cause in the first session of parliament. Even this delay was carried only by a majority of twenty. Many trimmers here so obsequious as to retire, not having the hardness directly to oppose an immediate redress of so flagrant a grievance, as the invasion of private property for the purposes of an election. There was one piece of ministerial and parliamentary craft, which perhaps every one may not be aware of. When any question is moved and seconded, if there is a division of the house upon it, that question must appear in the votes. The majority not daring to throw out such a question with the votes to confront them in the face of the public, moved for the orders of the day, which according to the forms of the house, avoids any public specification of the motion then in debate. Concealment betrays guilt, and those will ever retire into darkness and subterfuges whose deeds are evil.



*Accipe nunc Danaum Insidias et Crimine ab uno  
Disce omnes.*

I shall now state the transactions and matters of fact as they stand between Sir James Lowther, the board of treasury, and the Duke of Portland. The materials by which I am enabled to verify the several parts of this narrative, are, memorials to the treasury, with their official replies, all public and authentic. Besides these, there are letters which passed between some of the parties to this transaction, they are not by any means to be called private letters, either from any secrecy implied in the matter of them, or the expression. But for the sake of the most scrupulous punctilio, it is not thought proper to publish them without the consent of all parties. I can answer for one side, that the Duke of Portland neither has, nor can have, any objection, to have every letter, every note, every private conversation, and every the minutest transaction or hint whatsoever, brought out into open day-light. Not that the facts alluded to in any of these personal papers, (for I cannot call them private ones) are in any sort different from those which can be authenticated from the publick memorials, but originals written by the parties themselves, during the very transaction, would hold up life and real objects to the publick, of which a narrative can be but the representation.

On the 9th of July 1767, Sir James Lowther presented a memorial (No. 1.) to the treasury praying a grant of the forest of Inglewood, and foccage of the castle of Carlisle, which the Duke of Portland enjoys under a grant from King William, and which his family have been in quiet possession of, between sixty and seventy years. The memorialist, Sir James Lowther, says he is informed, that the possession of the premises has been for many years withheld from  
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the crown, and that no benefit whatever arises to the crown therefrom, therefore prays a lease of his majesty's interest therein, for three lives, on such terms as to their lordships shall seem meet. This memorial the board of treasury referred to the surveyor general of crown lands for his opinion thereon. His report in answer to the board (No. 2.) dated the 7th of August 1767, says, that the forest of Inglewood, and foccage of Carlisle, were not conveyed by King William's grant to the Earl of Portland, but were still vested in the crown, he therefore recommends a lease of the premises to be granted to Sir James Lowther, for three lives on certain reserved rents viz. 50l. per ann. for the foccage of Carlisle, and 13s. 4d. for the forest, and a third part in both of the rent of such lands, &c. as shall be recovered from the Duke of Portland.

This report of the surveyor general, who is not a lawyer himself, was returned to the treasury without having taken the opinion of the attorney or solicitor general, though on a point of law, or hearing the Duke of Portland's lawyers in defence of his title. This officer called surveyor general is a person not known in the law, nor in any sort connected with it. He is supposed to be conversant in the knowledge of metes and bounds, ascertaining the value of lands and houses and the setting of fines, in consequence of such knowledge. Such questions as these, and not points of law, are the proper subjects of reference to him, for he is no more than a keeper of the king's maps or land surveyor, and neither by profession nor office has the least connexion with the law. The present surveyor general is an elderly gentleman, who has lost his sight by age, and is himself incapable of business, which therefore devolves *de facto* upon his deputy Mr. Zachary Chambers. Think then of the Duke of Portland's title, which is to be

either defeated or supported by a long train of precedents, usages, constructions, grants, surveys, perambulations, verdicts, and innumerable acts of ownerships for three hundred years back (from the time of Richard 3d. when Duke of Gloucester) being decided between the 9th of July and the 7th of August, without any consultation with the crown lawyers, by by Mr. Chambers the surveyor's deputy. I would have given any man an hundred guesses, to find out the properest person to decide a great matter of right and property; one might have thought of my Lord High Chancellor, (but perhaps he would not have served their turn) or my lords the judges, or his majesty's council learned in the law. No! one of these; the standing council to the board of treasury, whenever the king's inheritance is called in question, is a land surveyor's deputy.

I would not aver indeed that they have been entirely destitute of all legal help, for it has been shrewdly suspected, from the utter impossibility of an abstruse question in law being stated by such an officer, that Sir James Lowther's lawyers assisted to draw up that report, in their client's favour, which was presented to the board as from the surveyor general. We shall see, by and by, that the treasury asserts this report to be binding upon their proceedings, and that they have no power to contravene it. Which end will they take it by; have they, in their capacity as king's ministers, instituted a suit against the lineal possessor of 70 years, upon the advice of a mere land surveyor, without consulting the crown lawyers; or, to mend the matter, did they consider the report as drawn up by a lawyer of the party petitioning for the grant; and, for that reason, to be compulsive upon their determinations. There is a maxim in logick, *omne majus continet minus*, and I do not see what can be thought impossible for a board  
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to do, who have granted away the property of a fellow subject, without hearing him in defence of his title, notwithstanding the most solemn and repeated assurances that no step should be taken till he had been heard.

But, to return to the narrative, this report in favour of Sir James Lowther, whether drawn up by his own lawyer or the deputy surveyor, was presented to the board on the 7th of August, but the board thought themselves under no obligations to inform the Duke of Portland, whose property was so materially attacked, of their proceedings, tho' his agents attended day by day at the treasury from the middle of August to the end of the month, upon a vague report that something of the kind was in agitation. After many days attendance a friend of the Duke of Portland, whom his agent knew (a member of parliament) came to the treasury upon some other business; through his means, the agent applied to the secretary of the treasury for information, who answered he could give no papers without orders from the board. Upon this, the Duke of Portland's friend applied directly to a lord of the treasury, who procured copies of what had passed. I will observe here that, in common practice, where any one's property is attacked, he ought to have the earliest notice to stand upon his defence. The board of treasury might have informed the Duke of Portland, at any time between the 7th of August and the end of the month, for his agent attended constantly; the clerks of the treasury knew this very well, but even supposing the board not to know of the agent's attendance, yet the Duke of Portland himself is not entirely unknown but that the secretary of the treasury might have informed him by letter.

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On the 2d of September the Duke of Portland received authentic information (notwithstanding all the silence and reserve of office) of Sir James Lowther's memorial and the surveyor general's report, for so it is called. He immediately applied for a suspension of all proceedings in the matter, till he had an opportunity of laying his title before the board. The treasury, in the interim, had adjourned till the 9th of October, and, during this vacation, all lawyers at this time of the year being absent from London, the Duke of Portland could make but little progress in preparing his title for the board. In the beginning of October (viz. on the 8th) caveats were entered in the offices of the chancellor of the exchequer and the auditor of the land revenue for the county of Cumberland, to prevent any lease or grant passing to Sir James Lowther by surprise. The proper fees were paid at each office, the caveats received, and, for a greater caution, a caveat was entered with the clerk of the patents to the great seal. But, in respect of the board of treasury, which is not an office of law, the Duke of Portland, instead of a caveat, presented a memorial (No. 3) praying to be heard by counsel, in defence of his own title, before the board proceeded to any act in consequences of Sir James Lowther's application.

This request from the Duke of Portland to be heard in defence of his title, before the treasury came to any determination against him, produced the following at that time very satisfactory reply, from the secretary of the treasury by order of the board.

(No. 4.)

(No. 4.) *Treasury Chambers*, Oct. 10, 1767.

My Lord,

A memorial of your grace's to the board of treasury, with respect to the forest of Inglewood, was delivered to me yesterday, by your grace's agent. I did not lose a moment in bringing it before the lords, I gave it place of all other papers, and upon its being read, the Duke of Grafton and the other lords were pleased to direct me to acquaint your grace, that if you be pleased to lay before them a state of your claim, and title to the forest of Inglewood, they would refer it to the surveyor general, and send him back also at the same time, his report upon the memorial of Sir James Lowther for his farther consideration. And I am directed also to assure your grace, that no step shall be taken towards the decision of the matter in question, till your grace's title has been stated, referred to, and reported on by the proper officer, and fully and matureally considered by the board of treasury. I have the honour to be, &c.

GREY COOPER,

I will stop the reader in this place, and recommend him to weigh every word of this letter, with the utmost attention and accuracy, and then tell me, whether there can be found any terms in the whole extent of language, more explicit, or more peremptory than these. Is there the least ambiguity or loop-hole for mental reservation? Let us attend to the request that called out these assurances. The Duke of Portland desires to be heard by counsel, in support of his own rights. Can there be devised any proposition in itself more reasonable and just. The treasury assure him, that no step shall be taken, till his title  
had



had been stated, referred to, and reported on by the proper officer, and fully and maturely considered by the board. Yet these words were given to the wind. We have heard of ministerial promises broken even to a proverb, and if the Duke of Portland had applied for some favour, or place, or pension, had the promise been conceived in ordinary or indefinite terms, I can conceive that many precedents might be found for the exercise of this ministerial prerogative. But in a plea of strict justice, no more than that the party attacked should be heard before decision, in a country where not only strict, but liberal justice, is the indefeasible inheritance of the meanest subject, to violate this fundamental law without remorse, and in contempt of the most solemn engagements that words could express, attested under the hand and seal, and record of office, is a degree of madness and infatuation beyond example. Some judgment hangs over them; some fate or fatal influence impels them to their ruin. — *Quos Deus vult perdere, prius dementat.*

From this time, the Duke of Portland trusting to the full assurances from the board, and therefore that his labours would not be thrown away, continued to employ his agents in preparing his title. Their time was fully employed in inspecting, and taking copies of evidences in many of the public offices. But in order to examine whether the facts stated in the surveyor's report were truly and impartially stated, it was thought desirable to have recourse to his office, to inspect the surveys, court rolls, and muniments on which he founded his report. The propriety and justice of this is very apparent, for what presumption can there be, that such a report should be accurately stated, if it be supposed to come from the incompetent hand of a deputy Land surveyor, and if it be the performance of a lawyer of the

the adverse party, how can it be considered as impartial. The agents of the Duke of Portland, made no doubt of obtaining permission to inspect the surveyor's office; accordingly application was made to Mr. Chambers for that purpose; which application however, he refused to comply with. This refusal of Mr. Chambers to produce the vouchers for the contents of his report, did not at all contribute to lessen the suspicion of the Duke of Portland's agents, that the facts alledged in the surveyor's report might be partially stated, though the treasury entertained it with such implicit deference.

However, upon this appointment, the Duke of Portland's agents thinking they could fully employ their time among other offices, till the meeting of parliament, when he was expected in town, determined so to do, and apply to him when he came, to obtain an inspection into the surveyor's office. Accordingly on the 25th of November, the very next day after the meeting of parliament, the Duke of Portland met the Duke of Grafton at court, and had a conference with him on the subject. In a few days the Duke of Portland presented a memorial to the treasury, (No. 5.) dated December the second. The memorial prays (in in regard that all public records ought, and by all courts of judicature are directed to be inspected for the benefit of the parties interested) an order from the treasury for the inspection of such surveys, court rolls, &c. as related to the matter in question. On the next day the secretary of the treasury informed the Duke of Portland's agent, that their lordships had granted the request as to the inspection of the surveyor's office, not upon the foundation of right, but as a matter of candour and civility, and that such an order would be drawn up by Mr. Watkins, the clerk in whose department such business was.

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The agent applied to Mr. Watkins who put him off till the middle of the next week; the order was afterwards called for twice, the first time the clerk was not in the way, but the next day appeared, and took his fee for the order, and said that it had been sent to the surveyor general; he was applied to for a copy, but would not give one, alledging that the order sent to the surveyor general was sufficient. Application was then made at the deputy surveyor's, to know if they had received it. They denied that any such order had been sent, although they had returned an answer to the treasury two days before, remonstrating against any order for inspection by those who litigate the rights of the crown. Then farther application was made at the treasury, to hunt out this supposed order which Mr. Cooper had told them the Lords out of their great candour and civility had given instructions for, and in this manner were the agents tossed about from pillar to post, from the 2d of December till Christmas.

I dare say the reader no more suspects, what was passing at the board in this interim, than the agents did. The board had indeed given the most solemn assurances that no step should be taken towards the decision of the matter in question, till the Duke of Portland's title had been stated, referred to, and reported on by the proper officer, and fully and maturely considered at the board. But notwithstanding this promise, and without the least previous notice or citation to the Duke of Portland, to lay the particulars of his title before the board, and while his agents were preparing his title under instructions from the board, and amused with the expectation of an order for inspection, the grants were actually executed (all but the exchequer seal) before the Duke of Portland or his agents, were even apprized that the inspection of the the surveyor's office was denied.

Having



Having specified in what manner the agents were employed, let us now see what has been passing at the board. Mr. Bradshaw, in pursuance to their lordships commands, on the 12th of December, sent the directions of the board to the surveyor, desiring him to permit the inspection of his office; on the 15th of December, he reports (No. 6.) in answer to Mr. Bradshaw's letter, that the records in his office are not public, but kept for the king's use only: that he remonstrates against any permission to inspect, by the agents of any persons who avowedly intend to contest the rights of the crown. In the conclusion he recommends the shortest way to try the rights of the crown, by granting the desired leases to Sir James Lowther.

I cannot imagine what put it into the surveyor's head, to subjoin this injunction to the treasury, to take the shortest way with the Duke of Portland's property. It was quite foreign to the purport of his report which ought to have been, merely to assign his reasons for not permitting the inspection of the records. In what light can this insertion, so foreign to the purpose of his report, be considered, but as taking the part of an agent for Sir James Lowther? But if the whole board of treasury had been Sir James Lowther's most officious agents, they could not have followed this injunction more implicitly. The surveyor general cannot be supposed to have known of the solemn promise, that was subsisting from the board to the Duke of Portland, not to take any step till his title had been stated, &c. and fully and maturely considered; but this made no impediment to the treasury, they took the shortest way indeed, which was to decide without the plague of hearing the evidence, and on the 22d of December, Mr. Cooper wrote to the Duke of Portland, (No. 7.) that the board, upon receiving the surveyor's second memorial, refusing the inspection of his office

office to the agents, and recommending to the treasury to proceed the shortest way to work, had given orders for the leases to Sir James Lowther, without any more to do: and so, my lords the commissioners of the treasury, present their respects to your grace, and it is all over: which was the truth of the matter; for the board adjourned that day for the Christmas holydays, the leases were signed and sealed, and executed by the lords at their own houses, during the holydays, and delivered to Sir James Lowther ten days before the board was to meet again. As this was the case, they were safe enough from any memorals or remonstrances against the breach of faith, and injustice of these proceedings, till the grant was too far out of their reach to be recalled, and posted up in hand-bills, to the honour of the king's ministers, at every hedge-alehouse in Cumberland, with the king's arms affixed.

Two parts of a plot may be going on together, but it is not easy to discribe them in the same breath. The poor agents are all this time quite in the dark, though continually attending at the treasury. They are rummaging for an order to inspect the surveyor's office, a week after it was all over. I think those who were in the secret, and knew what was passing at the board, must laugh in their sleeve; and to prolong entertainment a few days, the secretary of the treasury wrote, on the 22d of December, to the Duke of Portland, who was 150 miles off in the country, that all was over, and the grant ordered to Sir James Lowther, instead of having, five days before, when the order to proceed in the leases was signed, informed his agent who was in the lobby the very day and hour when that order was made out. A trusty office truly! where Mr. Watkins the clerk is receiving a guinea fee, to examine the treasury books (viz. on the 17th of December) for the supposed order for inspection

inspection, in the same breath that the board having superseded that order, is proceeding to decision with the utmost dispatch! Had they stuck to their favourite principle of doing things the shortest way, they might have informed the agent of their proceeding upon the spot, and at the very time of their determination, instead of concealing them in a clandestine manner, till the last day before the holidays, and then sending the information three hundred miles round. There can have been no other intention in all this secrecy, but to avoid any memorial from the Duke of Portland's counsel, who are gentlemen of the first eminence in the law, and were then in town; and the consequence was, that the leases were signed and executed by the lords of the treasury, and nothing remained but the chancellor of the exchequer's seal to be affixed, before either the Duke of Portland's agents or lawyers were in the least apprized of the matter.

As soon as information arrived from the Duke of Portland of these proceedings, his agent waited upon the chancellor of exchequer, to prevail upon him to withhold the seal in consequence of the caveat entered at his office. His Lordship said that he was pressed to affix the seal instantaneously, that as chancellor of exchequer he considered himself a ministerial officer, and subject as much to an order from the board of treasury as any common clerk, in respect to seal to grants, and therefore could not withhold it. I will venture to say this is so far from being the case, that the chancellor of the exchequer is one of the first legal officers in the kingdom, and that the very purpose of his being annexed to the board of treasury, is, that he may be a judicial controul upon the acts of that board. At least, so says Maddox in his history of the exchequer, page 580, as to the chancellor of the exchequer, he seems to have been appointed to be a controul or check upon the treasury. The com-



missioners are supposed to act upon the common principles of justice, they are supposed to take the advice of the crown lawyers, they are supposed to hear the counsel of the parties concerned, or the parties themselves, (and surely not the less so for having given the most solemn assurances) but in case of any notorious dissatisfaction, the parties have a right to enter a caveat before the chancellor of the exchequer, and to appeal to him as a legal officer of controul, and not as a mere deputy clerk to the treasury, and if upon a legal consideration of the matter, the chancellor of the exchequer sees sufficient cause, he may in right of his office refuse to affix his seal. But to put this out of the question, I can produce a case in point, which happened when the Duke of Newcastle was first lord of the treasury, and Sir George Lyttleton chancellor of the exchequer. A lease was ordered to be made out by the board of treasury in favour of the coporation of Plymouth. The defendant entered a caveat at the seal of the chancellor of the exchequer. The chancellor of the exchequer withheld his seal: the defendant was heard by his counsel and the lease revoked. I quote no obscure case; the living witnesses to this transaction are (among others) the Duke of Newcastle, Lord Lyttleton, Lord Mansfield, the Earl of Northington and Lord Camden, having all been parties to it. Wise men profit by the experience of others; I hope the present chancellor of the exchequer will be wiser for his own.

It would be absurd to suppose any officer having the king's seal in his custody, and responsible for the exercise of it, to be subservient like a mere clerk of the treasury, besides the very right of his office to receive a caveat, is a proof of his judicial capacity. Who ever heard of a caveat entered at the desk of a common clerk? I hope this plea of the chancellor of the exchequer, being merely ministerial

as to his seal to grants, will not be established into precedent, as the mutual check office upon one another is a principle barrier to the property of the subject, and as such a precedent would defeat the very main security in future times, against the encroachments, injustice and insolence of office. How different the fate of this caveat has been, compared with another which has been lately entered at the privy seal! the Earl of Chatham's health not allowing him to attend to business, the privy seal is put into commission for no other purpose, but to hear counsel upon that caveat, notwithstanding the lord high chancellor, (whose abilities and integrity to enquire into the subject matter of that caveat no one can doubt,) remains in order after the privy seal to give the defendants a second hearing.

The chancellor of the exchequer as a legal officer ranks next to the lord high chancellor, and takes precedence of the chancellor of the duchy of Lancaster, and both chief justices. It is great condescension in him to act the submissive part of a meer indented clerk; but if he had stood up to the dignity of his office, the board of treasury could not have avoided hearing counsel at law, which might perhaps have defeated their designs, of granting away the Duke of Portland's property to Sir James Lowther. Nothing surely can bear so little the appearance of justice, as for a board without the least smattering of law among the members, without consulting the crown lawyers in a matter of very abstruse law, who are bound ex officio to give their advice, refusing to hear the defendant's counsel, and during the adjournment of the board, when no memorial could have access to them, even if the parties attacked had been apprized of their conduct, which was so cautiously kept out of sight; I say, under all these circumstances, what motives of honour, equity, or justice, could impel them to grant

away the property of a British subject by a clandestine, precipitate, and surreptitious act?

If I were to follow the example of the board of treasury, I should content myself with stating one side, and end here, without producing to the public their apology for themselves, as set forth in a letter from one of the secretaries (No. 8.) It was in answer to the Duke of Portland, who had written personally to the principal members of the treasury, no board sitting to receive a memorial. In it he complained of the injustice and precipitancy of their conduct. He represented, that resting secure in the promise he had received, that no steps should be taken, till his claim had been maturely considered, he was actually collecting his title, when by one and the same letter (No 7.) from the secretary of the treasury, he was informed to his great astonishment, that the surveyor general's office was not to be inspected, and that the grants were ordered to be made out to Sir James Lowther.

I shall now state the substance of this letter, (No. 8.) and consider the particulars in order. The letter says that the surveyor general declares his opinion that the forest of Inglewood is not in the grant, but vested in the crown, and recommends and advises that a lease of the said forest may be granted to Sir James Lowther, for such term, at such a rent, and on such conditions as are therein mentioned. In ordinary cases according to the ancient practice and precedents of the treasury, reports of this nature are immediately approved of upon being read. In this instance the consideration of the report was postponed with many expressions of personal regard. I have already spoke of the surveyor's capacity as a lawyer, to give an opinion in a deep point of law, but in this place he is introduced and acknowledged by the board in a new capacity



capacity, viz. that of recommending and advising them who are the proper objects to receive the favours of the crown. The first lord of the treasury is always supposed to be minister, but here we see the whole board acknowledging the deputy Mr. Chambers as their privy counsellor and referee for the favours of the crown. If one transient ray of common justice had shot across the board, if it had perchance occurred that the Duke of Portland, as the lineal and undisturbed possessor for sixty or seventy years, should have had an offer of the lease granted to Sir James Lowther; it must of course have been checked by Mr. Chambers's recommendation of Sir James Lowther as the more deserving man. Again—as managers of the public revenue, under the civil list act quoted by Mr. Chambers in his report, who sets a low fine, and small reserved rent, in consideration of the trouble and expence to recover the premisses; if upon reference or consideration before the board, the Duke of Portland had found his title defective, it would have been worth his while, to have given as much more than Sir James Lowther, as the expence of the suit must amount to. But these stewards of the public, prefer the inestimable friend of Mr. Chambers, to any such consideration.

What is it but infinite impertinence for a mere office of reference to dictate, in this manner, to the first board in the kingdom: and if such a report is to be approved as soon as read, what security is there against partiality or secret influence especially in matters of great property. I mean security to the private subject, for the more liable any private office is to corruption, the more readily may it be turned into an engine of tyranny by ministers. Some profligate administration may, in future times, arise, either acted from a general premeditated design of spreading distraction throughout this kingdom, or with the special view of

applying the terrors of proscription, in the election of members ; preferring the chance, that a parliament, so elected, will be most likely to betray the liberty and property of their constituents, to the hazard of proceeding by open violence. The surveyor general as far as relates to his office, must at all times, be a mere creature of any administration, whenever they shall take any wicked design into their head, being an officer removeable at pleasure. The treasury may shelter themselves under his sanction, and they may perpetrate the most desperate acts, without exposing themselves, under the guise of a poor, dependent, insignificant, unresponsible object. A secret understanding may subsist between the two parties, and it will behove the surveyor, for his own sake, to be quick of apprehension, and not to report in favour of any obnoxious party, where the ministry shall aim a confiscation ; until the very sound of surveyor general, shall become as odious in the ears of the people, as the names of Epsom and Dudley. I think I do not exaggerate when I say, that all these mischiefs tread on the heels of them, who get instructed in the use of dangerous weapons, especially when faction, resentment, and party rage quicken the appetite for revenge.

However, in the case of the Duke of Portland, the treasury postponed, as they say, the consideration of the Surveyor's report, with many expressions of personal regard, &c. But how was the matter mended by mere postponing ? for they never heard the other side of the question, nor consulted the attorney general, nor took any of these steps they had engaged for, to consider the case fully and maturely. This boasted postponing, was, in truth, no more than lying in wait for some opportunity to finish the whole matter, at one sudden stroke, by giving final orders, without any previous notice to the Duke of Portland, upon the last board day before their adjournment for the holidays, which  
effect

effectually barred him from claiming the promise of the board to be heard in defence of his title, as the whole matter was over long before the board met again.

Now comes the capital stroke in their defence viz. to assign their reason for the violation of a direct engagement and promise, given to the Duke of Portland from the board on the 10th of October. I will state the words of the promise itself, and the motive assigned by the board for dispensing with the observance of it, side by side, which will be the fairest way to state it, and if the treasury had followed the same rule, by hearing the Duke of Portland's defence of his title as well as the attack upon it, we had never come to this crimination.

*Oct. 10 1767.*

And I am directed to assure your Grace that no step shall be taken towards the decision of the matter in question till your Grace's title has been stated, referred to, and reported upon by the proper officer, and fully and maturely considered by the board.

*Jan. 8 1768.*

I laid it (viz. your memorial) before the board without a moment's delay, and in preference to all other papers, and upon my acquainting the Lords that I understood from your Grace's agent, that the state of your Grace's claim and right to the forest, might be drawn up and prepared in a short time (a condition which however he had never acquainted the Duke of Portland with before) their Lordships were pleased to order me, to write to your Grace the letter of the 10th of October.



Here is a secret transaction between the Board and the Secretary, that has never appeared yet; a mental reservation is a state device; here is the most solemn and explicit engagement defeated in a whisper between them. But where is the condition in the promise? Why was it not specified that the Board hear no evidence, unless produced by such or such a day? Why was not a day fixed by the Board, and connected with this promise? Why was not this whisper about a short day, conveyed to the Duke of Portland, in the course of the negotiations subsequent to the 10th of October? Why was he not cited for delay? On the contrary, the Duke of Portland has expressly not been charged with neglect or delay, in the answer to his enquiries, whether the board thought him chargeable in that respect. I go no farther than this, tho' for my own part, I wish some letters, that were not official, were laid before the public: but I think I have a right to say what is not in them.

Take another view of the disposition to justice and equity, in a Board, where the Secretary draws a picture of himself, interceding that the Duke of Portland may be heard in defence of his title. I think I could very fairly draw this comment or translation out of Mr. Cooper's letter. My Lord, I do assure you, the Board was in a very ill disposition towards you, notwithstanding all their expressions of personal regard. Sir James Lowther, and perhaps somebody else would be incensed to the highest degree if they had shewn you any pittance of favour, besides the elections were so near, and their Lordships heads were so full of them, that I began to tremble for you. In this deplorable prospect for your Grace's affairs, I could not refrain from putting in a word in your favour. Perhaps, said I, his Grace will not be a great while in stating his title

title, and it would at least have the appearance of justice; (for you know it would have been their own fault if they had allowed you any more than the appearance.) I was timorous, and afraid of asking too much; but what possessed their Lordships, all of a sudden, to give you a promise so explicit, so unbounded, without any reservation, and so consistent with every principle of honour, equity, and justice, is as much beyond my comprehension, as it is beyond my power, either to deny, or justify the breach of it.

The very next paragraph of Mr. Cooper's letter represents him, as again under the necessity of interposing his good offices, seeming to fore-see, that the Duke of Portland could have but little to expect, from any candour in the Board, unassisted by his friendly endeavours. In speaking of the memorial to the board, desiring the inspection of the Surveyor's office, he adds, I assured your Grace's agent, upon this occasion, that I should my best endeavours, that this indulgence might be granted to your Grace's request. Yet I will not omit this opportunity of doing justice to Mr. Cooper's candid and friendly conduct throughout the course of this transaction. I would make an apology personally to him, if I thought there wanted any, for the liberty that I take in commenting upon his official letters, but every one will consider, the sophistry reservations, and double dealing which are unavoidable in so lame a cause, as merely official, and I will venture to say, that those who know him best, will least think him capable of personally taking part, in any transaction inconsistent with the punctilios of a man of honour.

But to proceed, the Surveyor General, it is said, gave such reasons for not permitting the inspection of his office, as were satisfactory to the board—upon  
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this head, I do allow if that office is not public, nor an office of record, the Duke of Portland had not a claim, *ex debito justitiæ*, to the inspection. But the treasury will not stop here, they contend farther, viz. that the precedent of permitting an ancient crown grantee to defend his title out of those very materials, upon which his grant was originally made, and is now attacked, will be a prejudice to the king's interest on future similar occasions, and create great inconvenience in the future management of the land revenue. That is to say in plain english: Let any crown grantee have *bona fide* ever so good a title, yet if by length of time or any casualty, he has the misfortune to lose the proof of his title, although there shall be lying in the surveyor's office sufficient proof of his right, yet the king shall recover such estate, notwithstanding the real right of the possessor, while the Surveyor General knowingly suppresses the evidences of the true right.

I have heard of seditious libels tending to alienate the affections of the subject. In what class then shall this assertion be ranked? That it is the interest of the crown to rob the private subject of his just property, because he may have lost his title deeds, the crown's officer having a power to secrete the proof of his right, let it be ever so clear; and perhaps that very same officer having trumped up a false or partial report in favour of some informer to involve any crown grantee whatsoever, that shall be obnoxious to the administration for the time being, in a law-suit, without producing the vouchers for the proof of his report. But it is going farther off than we need, to consider what future evils may arise out of this detestable principle. Look at the instance before us. The treasury have instituted a law-suit against the Duke of Portland, for an estate in value about 30,000l. upon no other suggestion whatsoever, than that Mr. Zachary Chambers



Chambers has reported unfavourably to his title, and has refused to produce the vouchers.

Upon the inspection of the surveyor's office being denied, the apology proceeds to say, that it not appearing to their lordships, from any thing alledged on the part of your grace's agents, that the state of your claim to the inheritance of the forest in question (which the board had, by its former order of the 10th of October, undertaken to refer to the surveyor general) could be prepared without such inspection, the lords ordered the grant to Sir James Lowther, &c. The matter conveyed in this part might be cut very short; it not appearing to their lordships, from any thing alledged, &c. These words seem intended to convey that they had, at least, made some enquiry, and that the agent had alledged nothing, on the Duke of Portland's part, to suspend their decision; but this was so far from the case, that no such enquiry was made by the board, either on the day when the leases were ordered to Sir James Lowther, or in any part of transaction, directly or indirectly. How then could the lords of the treasury think themselves entitled, in point of justice, to such an inference; not having made any enquiry about the matter. But perhaps it may be thought (for I know such reports have been industriously spread) that the treasury waited a reasonable time, after the Duke of Portland or his agents were informed, that they were not to inspect the surveyor's office; and upon no steps being taken by them towards offering their defence, the treasury concluded, that they had dropped their point, and therefore proceeded to order the grant to Sir James Lowther. I must still insist, that the plainest way without any negative inferences, would have been for the board to have asked the Duke of Portland, whether he had withdrawn his claim to be heard or no, and what I think any board meaning to act with honesty and impartiality

impartiality would have done. However, supposing them to have waited a reasonable time, what would any one guess to be a reasonable time, to conclude, because the Duke of Portland did not obtrude his title, of his own accord, without any citation or day fixed by the board, that he had therefore no evidence, among his family papers, or the public records relating to crown lands, of weight enough to balance the partial report of an ignorant land surveyor. But I will not perplex the reader with a question, where his labour will be so entirely thrown away; for, whatever might have been reasonable, they gave the Duke of Portland no time, or previous notice at all.

It has been shewn how studiously the board avoided to inform him, or his agent, that the inspection of the Surveyor's office was denied, till they sent him information, by the very same post, that they had decided the grant in favour of Sir James Lowther; and that upon the very last board day before Christmas, here I repeat my voucher. Mr. Cooper, in his letter of the 22d of December, says the Duke of Grafton commands me to present his respects to your Grace, and to acquaint you, that upon reading a report of the Surveyor general (of which I have the honour to send your Grace a copy,) &c. &c. the lords found themselves obliged, by the course and practice of office, to direct a grant to be made to Sir James Lowther, &c. &c. By this indubitable testimony from M. Cooper, it may be seen, that the information of both these points got to the Duke of Portland together, when all was over and the board adjourned.

But observe how dexterously this thing was conducted, to defeat the Duke of Portland from laying his title before the board. The Surveyor's report, denying inspection, was dated the 15th of December, and the board sat a week after that. If the Duke had been

been immediately informed of it, and that the leases were to be ordered out, there would have been time for him to present a memorial to appoint a day, either before or after the holidays; which memorial nothing could have stoppt, but delaying the information till the last board before the holidays; by which trick (as has been expressed before) the members of the board proceeded without interruption, during the christmas, to go through the finishing forms of the grant; whereas, if the several steps had been taken, out of holyday time, at so many public boards in the face of day, and with the knowledge of the parties interested (as any honest act might have been) this grant could not have passed through the necessary stages, without the defendant laying in his claim, in point of justice, and by promise of having his title fully and maturely considered. By this piece of dexterity to suppress the surveyor's report denying inspection, till the leases were ordered, and out of the reach of any memorial to stop them, let any impartial man give his judgment what the intentions of the board were.

Let us descend a little farther into particulars, and take a specimen of most exquisite conduct in carrying a clandestine point. The board having determined to grant the leases, a warrant was sent on the 17th of December, to the surveyor general, to make out the constats; that is to say, the particulars of the lands, &c. descriptively to be inserted into the leases. This was finished by the 21st, as appears by the date of the constats. On the 22d the lords sent a fiat; that is, a warrant to the clerk of the pipe, to make out the draught of leases according to those constats. All subsequent forms were capable of being executed (as they really were) during the holidays. Mark then how nicely the thing was calculated. The 17th of December was on a thursday. If the board had informed the Duke of Portland of their proceedings



ceedings by that post, he could have sent notice to his agents by the monday following at the latest (sooner if by express) and have presented a memorial on tuesday the 22d of December, the last board day before the holidays. Had their lordships wrote on the 18th, a memorial might still have been ready by the 22d. Nay they would not even trust the 19th, which left but three days for a memorial to be drawn up, after a journey of three hundred miles round; but on the 22d, the day of adjournment, when the deed was done, and the perpetrators thought themselves out of reach, they informed him, with every possible mark of attention and respect, of their mischievous intentions, that they had cut a great gash in his rent roll, but (unfortunately) their decisions were not final in law. In all this, there is such manifest study to lie concealed, and to avoid detection, that I will call it an overt-act of concealment.

We are almost got to the end of this ministerial apology, which, I am sure, the reader will be as glad of as myself, for poking into the dark and vicious recesses of concealment, equivocation and treachery, is nauseous to the moral sense, and an office no more to be coveted, than the clerk of the arraigns to the Old Bailey.

Mr. Cooper concludes by saying, that the Duke of Grafton signed the order with the greatest reluctance. Then, in God's name, why did he sign it at all, without advising with the crown lawyers, hearing the Duke of Portland's defence, or even informing him? The demur of any other lord might not have stopt the proceedings of the board, but, without question, if the first lord of the treasury had declared his reluctance till the promise to the Duke of Portland, of maturely considering his tittle had been fulfilled, his  
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single suspense might have prevented all that is now complained of.

*Talibus insidiis perjurique arte Sinonis*

*Perdita res*——

We are at last got to the end of this ministerial apology, which finishes the narrative of facts. I need say nothing to assure the public that I have stated them truly, because any one may see the original vouchers at length in the appendix. As to facts of less note, viz. such as passed between the clerks of the treasury, and the Duke of Portland's agents, the main points of the question do not turn upon them. But suppose such a point as this should be called in question; whether the agent paid a fee at the treasury for a supposed order to inspect the surveyor's office on the 17th of December, which was two days after the report from the surveyor to the board finally denying the inspection; the evidence to prove this would be the attorney's books, who paid the guinea upon that day. Or suppose they should equivocate about signing the leases at their private houses — To be sure they might be signed at a tavern, or at Sir James Lowther's, or any where else, but it was private, and not at a board, for the letters patent were dated 28th of December 1767, according to Sir James Lowther's own advertisement, and the last board was on the 22d. I bar all these petty-fogging tricks, because I know the runners of administration have been, and will be, very assiduous, to propagate any falsehood just for the day. We had a story not long ago most confidently asserted, to palliate the conduct of the treasury. It was said, that the whole grant to Sir James Lowther was but a trifling estate of seventy pounds a year. Let any one consider whether Sir James Lowther would think it worth his while, to take an estate of seventy pounds a year, paying fifty pounds reserved rent to the crown, and a  
third

third part of the yearly rent, over and above that fifty pounds per annum, of what he shall recover after a law suit with the Duke of Portland. *Sic de similibus*. But the public will require an account at their hands, of the notorious features in this transaction. There is an instinctive judgment in the impartial public, which no minister can equivocate them out of, a sort of national jury, whose verdict guilty is a formidable sentence.

Methinks I hear a plain blunt man, who fears it may be his turn next, say, did not they grant away the Duke of Portland's estate without hearing him? Answer me that. Did not they promise to hear him, and did not they break their promise? Answer me that. Did they consult the attorney-general, or any of the crown lawyers? Answer me that. What honest motive could they have to grant away any man's estate without hearing evidence or law? I should be glad to know that. Was it not done at the eve of an election while a contest for Cumberland was depending, and given to Sir James Lowther, one of the candidates? What could that be for but to intimidate the freeholders? for if the estate was the king's, what right had Sir James Lowther to it more than any other man? Did not they lay their heads together with a man called the surveyor-general? and upon his report alone, grant away the Duke of Portland's property without examining the surveyor's vouchers by the king's counsel, or letting any body else see them? O! but they say that is legal, because his office is not public but a private one. So much the worse; that a man's estate should be granted away upon the secret suggestion (without proof) of a private inquisitorial office; and to mend the matter, the treasury think it legal too to decide without hearing evidence or law. At this rate, any man's estate that votes against ministry may be granted away to some minister's favourite, or some favourite's



avourite's favourite, for the reward of voting with them. These evils, if they are legal, require a speedy remedy before they spread.

When any question is debated touching public grievances, or any remedy is proposed to prevent such for the future, the administration are instantly in arms, and range themselves, as it were by instinct, in battalion, to repel what they consider as their enemy, let it be ever so friendly to the public; as if the general good of the community, and the particular objects of administration, were in their own natures, inconsistent and incompatible. Is it then confessed, that the vexation and disquiet of the subject is their view? Why else should they be so strenuous to stifle a law, in the very first step, for quieting the possessions of the subject? But perhaps they had not consulted some superior oracle, who controuls, not only their actions, but even their words and thoughts. I cannot feel respect enough for these pageants, that are put into the place of ministers, to be angry with them; god help them! they scarcely know who it is that controuls them, much less to what ends they are conducted. What are they but babies learning to lisp prerogative and *nullum tempus*. But mark by their babbling what lessons they have been taught in their nursery.—There shall be no quiet for the subject.—We will hear of no such law. Prerogative is a precious jewel of the crown. The subject shall have no place of security to lay his head, or whereon to rest the sole of his foot. Terror, search, vexation, persecution are the precious jewels of the crown.—Thanks to them for giving us this warning; but if their preceptor should chastise them for their tell-tale folly, I cannot pity them. I do not ask where their instructor lives who teaches these maxims, or who he is, for I shall not put myself under his tuition; but I will tell these boys where they did not learn them. They did not receive them from

one, whose glory is that he was born a briton. Shall then the ministers of a prince, who esteems the liberty of the subject, and the security of their property, the only jewels of his crown, shall they stand between, and deprive us of that peace and quiet, which was not denied to the subject, in the most vexatious times of prerogative, by the founder of the stuart line?

Hear them again.—*Nullum tempus occurrit regi.* By this law, which shall be maintained in its utmost severity, we will provide an ample and never-failing revenue for the crown, by proscriptions, confiscations, and the whole train of legal rapine.—What! are we but in the beginning of things? Is that violent act, which we thought to proceed merely from an impotent rage at an election; is it, I say, but the flash of the priming? Is it but the first act of a pestilent system, that is already planned with endless malice aforethought? The private english subject, who has so lately contributed millions upon millions, without repining, to purchase national honour and security—honour abroad, and peace at home—to him do you offer this consolation; that giving and granting is over for ever, but vengeance and plunder are substituted in their place? The soldier who returns to his native home, loaded with his country's honour, flattering himself to enjoy some rest from the toils of war in his paternal retreat, thinking to beat his spear into a plowshare, and his sword into a reaping hook—will it staunch his wounds, will it administer comfort to the achings of his heart, to greet him with the news, that all which he can now call his own, his house, gardens, parks, meadows, woods, patrimony, mansion, with every thing so situate, lying, being and thereunto belonging, is marked for confiscation; that he may repose his head upon his laurels, but that his lot, and the reward of his labours, is to be poverty and exile?

*Tunc miles tremulus positâ tulit arma tiarâ,  
 Et ruit ante aram summi Jovis ut vetulus bos  
 Qui domini cultris tenue et miserabile collum  
 Præbet ab ingrato jam fastiditus aratro.*

One should hardly have conceived in whose heart or head such horrid plans of tyranny and vexation could be devised, if the untutored folly of these mock ministers had not blurted it out, but we are told that this of confiscations is but part of a magnificent plan for resuming forest claims, and reviving the forest laws. Perambulate, level encroachments, trample down the vineyard and the waving corn, expel the cottager, who, with two hundred years mistaken labour, had made the forest bring food for the use of man. Spare not his little ewe lamb, for that too has grazed feloniously on the royal demesnes. Search, validate the dormant claims of the crown; the resources must be made good, they must be restored by such windfalls as it shall please God to send, in the lapse of time, and by the destruction of family writings. We have two hundred and five years to range in, the civil wars have intervened; fire, deaths, attorneys, executors, and their executors, may have destroyed or mislaid the parchment: here is rich plunder for the public; fall on, spare not, no not one; royalists, Hampdens, sons of the revolution *nullo discrimine*. Of all the wonders that I ever yet have met with, it is the most astonishing, to have heard, in open parliament, a deliberate proposal, in cold blood, of raising a revenue from a concerted system of search for confiscations; not for any crimes committed, or any in contemplation; but as the ungracious recompence for all the glorious and immortal virtues of those men, who have heretofore rescued this kingdom from oppression. Plunder the posterity of those heroes, on whom was heretofore bestowed the reward of their valour and virtues with unregretted munificence.



ficence. We have been too liberal. We have rewarded the supporters of liberty, and of the protestant cause, with too prodigal a hand; we have purchased these baubles at too dear a price. Resume, confiscate, replenish the public coffers with the spoils of patriotism. *Si aerarium ambitione exhauserimus per scelera replendum erit.*

## A P P E N D I X.

## N U M B E R I.

July 9, 1767.

TO THE RIGHT HON. THE LORDS COMMISSIONERS OF  
HIS MAJESTY'S TREASURY.

THE MEMORIAL OF SIR JAMES LOWTHER, BART.

SHEWETH,

THAT his majesty, in right of his crown, is seized of the forest of Inglewood, in the county of Cumberland, and of the manor of the foccage of the castle of Carlisle, with the appurtenances belonging to the said forest and manor.

That the memorialist is informed that the possession of the above premises has been for many years withheld from the crown, and that no benefit arises to the crown therefrom.

Therefore prays a lease of his majesty's interest therein to himself, his heirs and assigns for three lives, on such terms as to their lordships should seem meet.

## N U M B E R II.

August 7, 1767.

THE surveyor general reports, in answer to the foregoing memorial, his opinion as to the title of the  
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lands in question. The former part is merely a recital of technical terms of law, relating to the Duke of Portland's private property, and belongs only to a court of law. It concludes in these words:

That, with regard to the memorialist's request of a lease of the premises remaining in the crown, he was of opinion, a lease of his majesty's interest in the forest of Inglewood, and of the rents, royalties and services, might be granted to him for 99 years, determinable on three such lives as he should nominate, reserving to his majesty, his heirs and successors, the yearly rent of 13s. 4d. and one third of the yearly profits of what should be recovered, and to pass with fine in regard to the trouble and expences he might be put to in recovering the premises, and bringing them in charge for the benefit of the crown after so long an intrusion.

And that the lease of the manor of the foccage of Carlisle, with the courts, royalties, and lands, might be granted to him for a like term, reserving the ancient rent of 50l. per annum, and one third of the yearly rent of what shall be recovered above the rent of 50l. per annum, which would be agreeable to the civil list act.

N U M B E R III.

October 9, 1767.

*To the Right Hon. the Lords Commissioners of his Majesty's Treasury.*

*The Memorial of the Most Noble William Henry Cavendish, Duke of Portland,*

*Sheweth,*

THAT your memorialist has been informed, that Sir James Lowther, Bart. lately presented a memorial to your lordships, praying a grant of a lease of

the forest of Inglewood, in the county of Cumberland, and several other premises in the same county for three lives, on such terms as to your lordships shall seem meet.

That the said forest and premises were upwards of 70 years ago granted from the crown to one of your memorialist's ancestors in fee, who, with your memorialist, have ever since been in the actual possession thereof.

Your memorialist therefore hopes your lordships will be pleased at present to postpone the consideration of the said memorial, and grant him leave to be heard by himself or council against the prayer thereof, that he may manifest his right and interest in the aforesaid premises.

N U M B E R IV.

*Treasury Chambers, October 10, 1767.*

MY LORD,

A memorial of your grace to the board of treasury, with respect to the forest of Inglewood, was delivered to me yesterday by your grace's agent; I did not lose a moment in bringing it before the lords; I gave it a place of all other papers; and upon its being read, the Duke of Grafton, and the other lords, were pleased to direct me to acquaint your grace, that if you would be pleased to lay before them a state of your claim and title to the forest of Inglewood, they would refer it to the surveyor general, and send him back also at the same time his report upon the memorial of Sir James Lowther for his further consideration; and I am directed also to assure your grace, that no step shall be taken towards the decision of the matter in question till your grace's title has been stated,



stated, referred to, and reported on by the proper officer, and fully and maturely considered by the board of treasury.—

I have the honour to be, &c.

GREY COOPER.

N U M B E R V.

December 2, 1767.

*To the Right Hon. the Lords Commissioners of his Majesty's Treasury.*

*The Memorial of the Most Noble William Henry Cavendish, Duke of Portland,*

*Sheweth,*

THAT your memorialist, and those under whom he claims, have been seventy years and upwards in the quiet and uninterrupted possession of the forest of Inglewood, and the manor of the soccage of the castle of Carlisle, in the county of Cumberland, and of divers lands, tenements and hereditaments within the said forest and county under a grant from the crown.

That Sir James Lowther, Bart. in June last, in a secret underhand manner, without the least notice or intimation given to your memorialist, applied to your lordships by memorial, praying a lease of the said forest, manor and premises; and, upon the 9th day of July last, your lordships were pleased to make an order, referring it to the surveyor general to examine and report his opinion thereon.

That the surveyor general, without calling on your memorialist to support his title, or giving your memorialist the least notice or opportunity of being heard, made his report upon the 7th August last, (in less than a month after the order of reference) advising

your lordships to grant the lease desired on the terms therein mentioned, and thereby refers to divers antient surveys, court rolls, and other instruments.

That your lordships having adjourned soon after making the said order of reference, and your memorialist's council and agents, during the recess of business, being retired into the country, your memorialist presented a memorial to your lordships, desiring your lordships would be pleased to postpone the consideration of the said memorial, and give him leave to be heard by himself or council against the prayer thereof, that he might manifest his title and interest in the aforesaid premises, which your lordships were pleased to grant.

That your memorialist's agent, upon the 20th October last, applied to the surveyor general for leave to inspect the surveys, court rolls, and other instruments referred to by his said report, or at least such of them as were in his possession, when Zachary Chambers, Esq; the Surveyor's deputy took time to consider of such request, and directed your memorialist's agent to attend him again on the 22d October, when he declared the surveyor general had given him directions not to produce any papers. That the surveyor general's office was not a public office, and therefore not obliged to produce records for inspection, and that he could not suffer any to be inspected without a superior order.

Therefore, and in regard, all public records ought, and by all courts of judicature are, directed to be inspected for the benefit of the parties interested, your memorialist prays your lordship's directions to the surveyors general, to permit your memorialist's agents to inspect all the surveys, court rolls, and other muniments and writings  
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in his custody relating to the matters in question, and that your memorialist may be at liberty to take copies thereof, or of such parts thereof as he shall be advised, that your memorialist may be enabled to lay the merits of his case before his council, and manifest his title to your lordships.

N U M B E R VI.

*May it please your Lordships,*

I have received your lordship's directions by letter from Mr. Bradshaw, dated the 12th instant, desiring me to suffer the agents of his Grace the Duke of Portland to inspect the court rolls and other muniments and writings relating to the forest of Inglewood, and the manor of the soccage of the castle of Carlisle, in the county of Cumberland, in my custody, it having been suggested to your lordships that I had an objection to his grace's request.

I beg leave to inform your lordships, that, about three weeks ago, an agent of the Duke of Portland applied to me to inspect the surveys, and other evidences in my office, which are mentioned, or referred to in my report to your lordships on the memorial of Sir James Lowther, bearing date the 7th day of August last (of which they had obtained a copy); and on my enquiring to what use or purposes he wanted them, he said, that he apprehended he was entitled to the inheritance of the forest aforementioned, and should dispute the right of the crown thereto, on which he was acquainted by my direction, that I should not suffer them to be inspected, as the surveys and evidences in my custody were not public records, but kept there for the king's use only; and I have heard nothing since relating to that matter till yesterday, when I received the letter abovementioned.

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As the propriety of the duke's request, I humbly apprehend, that the permitting the king's deeds and evidences to be inspected by the agents of any persons, who avowedly intend to contest the rights of the crown would be a bad precedent, and may be detrimental to his majesty's interest on future occasions; and I think the shortest way will be to try the right of the crown, which Sir James Lowther is ready to do at his own expence, if your lordships shall think fit to grant him the desired lease.

All which is humbly submitted to your lordships' wisdom.

ROBERT HERBERT, Surveyor General.

*December 15, 1767.*

N U M B E R VII.

*Treasury Chambers, December 22, 1767.*

MY LORD,

THE Duke of Grafton commands me to present his respects to your grace, and to acquaint you, that, upon reading a report of the surveyor general (of which I have the honour to send your grace a copy) and upon taking into consideration a former report of the same officer, dated in the month of August last, relating to the forest of Inglewood; in which he is clearly of opinion, that the lands in question are not included in the grants made to the Earl of Portland by King, William, and that they are now vested in the crown; the lords found themselves obliged, by the course and practice of office, to direct a grant to be made to Sir James Lowther (pursuant to the recommendation of two successive reports of the surveyor general) upon undertaking to try the right of the crown at his own expence, and upon his conforming to the other conditions mentioned in the

the said report; I am directed to assure your grace, that the lords received and entertained your grace's memorials relative to this matter, with every possible mark of attention and respect, but that in all cases where it appears that the title of the inheritance of the king's estate is contested, the board is guided by the opinion of the surveyor general, in whose custody all the evidences and records relating to the crown lands are deposited, and to whom all matters and questions of this nature are referred. My lords have at the same time the satisfaction to know, that no act of their board, done in necessary compliance with the rules and duties of their office, can decide any legal right, or affect any claim which your grace may have to the inheritance of the lands or forest in question.

I have the honour to be, &c.

GREY COOPER.

N U M B E R VIII.

*Copy of Mr. Cooper's letter to the Duke of Portland.*

MY LORD,

January 8, 1768.

AS I have but too much reason to apprehend that your grace's letter to the Duke of Grafton, relative to the forest of Inglewood, which has given him much real concern, was, in a great measure, occasioned by my not having explained to your grace so fully as I ought, the grounds and motives on which the board appeared to me to have proceeded during the course of this whole transaction; I most humbly beg your grace's permission to lay before you, more at large than I did in the last letter which I had the honour of writing to you, what I conceive to be the real state of the circumstances of the case. The surveyor general, in his first report, dated in August last, declares his opinion, that the forest of Inglewood

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is not in grant, but actually vested in the crown, and recommends and advises that a lease of the said forest may be granted to Sir James Lowther, for such a term, and such rent, and on such conditions as are therein mentioned. In ordinary, cases according to the antient practice and precedents of the treasury, reports of this nature are immediately approved of upon being read, and leases are ordered in conformity to such opinions. In this instance, the consideration of the report was postponed, with many expressions and marks on the part of the Duke, and the whole board, of the greatest personal regard for your grace.

On the 9th of October last, being the day on which the lords met after the adjournment, your grace's first memorial was delivered to me: I laid it before the board without a moment's delay, and in preference to all other papers; and upon my acquainting the lords that I understood, from my conversation with your grace's agent, that a state of your grace's claim and right to the forest might be drawn up and prepared in a short time; their lordships commanded me to write to your grace the letter dated the 10th of October, a copy of which you was pleased to send inclosed to the Duke of Grafton. From the time of this order all proceedings of the board were suspended, and the whole matter slept till it revived by your grace's memorial; in which you pray my lords' directions to the surveyor general to permit your agents to inspect the surveys and records in his office, and to take copies thereof, or such parts thereof as you should be advised.

I assured your grace's agent, upon this occasion, that I would use my best endeavours that this indulgence might be granted to your grace's request. Upon reading this memorial, the board were of opinion, that the records and papers in the custody of the

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the surveyor general were not public records, but merely the evidences and the deeds of the estates of the crown, and that no person had a right *ex debito justitiæ* to inspect or take copies of such records, without a special case made for that purpose: But it being suggested that the surveyor general had no objection to the inspection desired by your grace, the board ordered that your grace's agents might be premitted to make such inspection, and to take copies of papers and records, in case the surveyor general had no objection thereto. Upon this order the surveyor made his second report, a copy of which accompanied the last letter which I had the honour of writing to your grace on this subject: His objections to the inspection were so strongly marked and expressed, that the lords were of opinion that they could not direct it to be allowed, without the hazard of great inconvenience and prejudice to his majesty's interest on future similar occasions and applications; and it not appearing to them, from any thing alledged on the part of your grace's agent, that the state of your claim to the inheritance of the forest in question, (which the board had by its former order of the 9th of October undertaken to refer to the surveyor general) could be prepared without such inspection, the lords found themselves under the necessity of yielding to the usage of precedents of office, in ordering a grant to be made to Sir James Lowther, in pursuance of the clear opinion the repeated recommendations of the surveyor general. Upon the whole matter, I think it a debt due to truth and justice to assure your grace, that the Duke of Grafton shewed the greatest reluctance and unwillingness to make any order which might carry even the appearance of affecting your grace's claim to the lands in question, and that he with-held his assent so long as he thought he could do it, without establishing a precedent which

which might create great inconvenience in the future management of the land revenue and prejudice the interests of the crown committed to his care.

I have the honour to be, &c.

GREY COOPER.

EXTRACTS FROM THE CONSTATS.

County of Cumberland.

All that forest, called the forest of Inglewood, with the rights, members, and appurtenances, &c. &c. &c.

In like manner,

All that the manor of the fockage of the castle of Carlisle, with all and singular the rights, members, &c. &c. &c.

Then follows to each,

This constat is made forth and rated by virtue of a warrant from the right hon. the lords commissioners of his majesty's treasury, bearing date the 17th day of this instant December, in order to a lease of the premises, with their appurtenances, to be passed under the exchequer seal to Sir James Lowther, &c; &c. &c.

Examined by me, ROBERT HERBERT,

Surveyor General,

Dec. 21, 1767.

This voucher is inserted to prove, that the definitive order of the board to proceed in the leases was signed on the 17th of December, according to the reference in the surveyor's report, annexed to each constat, although the board suppressed this order from the Duke of Portland's knowledge, till after they had adjourned for the holidays.

AN INQUIRY INTO THE LEGALITY OF PENSIONS ON  
THE IRISH ESTABLISHMENT. BY ALEXANDER  
M'AULAY, ESQ. ONE OF HIS MAJESTY'S COUNSEL  
AT LAW FOR THE KINGDOM OF IRELAND.

**T**HE late extraordinary increase of pensions on the Irish establishment, demands an inquiry of this kind at this time.

This paper is published in London; because Britain is deeply interested in the subject; and, without her aid, Ireland cannot hope for redress. It is published so long before the usual time of the meeting of parliament; that the subject may, before next session, be considered in both kingdoms, with that attention which its importance to both requires.

Men whose interest leads them to pursue measures hurtful to the public, easily find anonymous writers, with talents fitted to puzzle and mislead by sophistry and declamation; which a man of reputation would be ashamed to avow or contend with. This induced me to insert my name in the title page; and will, I hope, justify me in declaring, that I shall consider an anonymous answer as unworthy of a reply.

The subject at first sight, seems delicate: But, on a closer inspection, it appears otherwise. Enlarging the power or permanent property of the crown beyond their true bounds, being equally hurtful to the inseparable interests of the crown and nation; the love of my country and my duty to the crown, both concur in moving me to speak my sentiments upon this occasion without reserve.

Indeed freedom of speech, upon this subject, must appear absolutely necessary to every man who knows, that a very considerable part of that heavy loads of pensions, now subsisting on the Irish establishment,  
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has been imposed in the last two months; and that an unlimited power of granted pensions on that establishment to the full amount of the Irish hereditary revenue, is claimed by ministers on behalf of the crown. If this claim be just, Ireland's existence, as a country of liberty and property, is at an end.

The amount of the civil pensions on the Irish establishment continued much the same, without any considerable variation, for about twenty years antecedent to the year 1756; but is, now, almost doubled.

The clear income of the hereditary revenue of Ireland, at a medium of three years ending at Lady-Day 1761, amounted to four hundred and eleven thousand five hundred and fifteen pounds per annum. The danger to Ireland, from unlimited power in the crown over this revenue (one years income whereof, is not much less than one half of the whole circulating money in that kingdom) I shall not enlarge on. How far, a power to apply an Irish fund, which already, in the infancy of Irish trade, amounts to so much; and may amount to double, perhaps treble that sum, if Ireland lives to maturity; how far, a power to apply so large a fund in pensions calculated for extending ministerial influence, might, in its consequences, affect Great Britain; let Britons judge.

The revenue of the crown is two-fold; a public revenue, limited to public uses; therefore, unalienable; and a private revenue, not limited to any uses; but alienable or applicable as the crown thinks fit: In the latter, the crown has a private property; the same absolute, unlimited property, that a private person has in his estate: But, in the former, the crown is a trustee for the public; and therefore has no right to dispose of it, to any other than public uses. The old opinion of some speculative men, that  
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the crown is a trustee for the public, of all it's property, is long exploded; nor had it ever any solid foundation. A trustee has a limited property; he cannot alien; and must dispose of the profits, according to the purposes of the trust: But the right of the crown to alien what it had by common law (its antient demesne-lands, forfeitures for treason and felony, &c.) was never disputed in a court of justice. 'Tis true, many grants of this kind have been set aside by acts of parliament; as being improperly obtained: But the making of these acts clearly shews, that the grants were valid in law, otherwise there would have been no occasion for acts of parliament to annul them.

Here, it may be proper to observe; that applying to any private use, in the way of pension or otherwise, any part of the profits or income of a revenue, is, for so much, an alienation. If the crown has a right to grant, out of any revenue, a pension to continue for a single year, or determinable at pleasure; it has a right to grant the same pension in perpetuity; if the revenue be perpetual: And if it has a right to grant out of any revenue, the smallest pension in perpetuity; it has a right to grant pensions in perpetuity, to the full amount of the revenue; and an equal right to sell the inheritance of the revenue, all at once, and apply the purchase-money to any private uses.

It is not pretended, that the crown has any other than a public unalienable property in the Irish temporary duties; nor, indeed, can there be any pretence for a claim of private property therein; it appearing by express words in the preambles of such of these temporary grants as are not appropriated to particular uses, that they are all intended for support of government. There will appear as little pre-

tence for a claim of private, alienable property in the Irish hereditary duties, which are granted by act of parliament; when the acts, granting these duties, are considered.

Here, it may be not improper to premise; that the intention of the legislature by the settled principles of law, is always to prevail on the construction of acts of parliament; whether the intention appears from the words of the act; or from the nature and circumstances of the case.

The grant of excise clearly appears from the words of the preamble, to be intended for public uses—for pay of the army, and defraying other public charges in defence and preservation of this kingdom.

It is equally clear, from the words of the preamble, in the act of tonnage and additional poundage, that these branches of the revenue are also intended for public uses—for protecting the trade of this kingdom at sea, and augmenting the public revenue.

The hearth-money also appears, by express words in the preamble, to be intended as a public revenue, for public charges and expences.

Although this preamble sufficiently excludes all claim of private property in this branch of the Irish revenue; yet, as it was granted in lieu of the Irish court of wards, then abolished, wherein the crown had a private property; and as the pensions which had been charged on the profits of that court were very considerable; and as it might have been reasonably apprehended, that the persons who had lost their pensions by the abolishing of that court, would endeavour to obtain recompence out of this new revenue; therefore, for the more effectual preventing of all such attempts, the legislature, not content



tent that pensions out of this revenue should be only voidable by a law-suit, added a cause expressly enacting, that all such pensions should be void; and empowering the court of exchequer, in a summary way, to issue process for compelling the grantee to repay all the money that should be received on pretence of any such grant; and inflicting a forfeiture of double value on every person who should accept of such a pension.

The act granting the revenue of ale-licences, hath no preamble mentioning the uses for which it was granted.

The legislature, therefore, in order to obviate all pretence of private property in this branch of the revenue, inserted a clause, restraining the crown from charging it with pensions.

The act granting the revenue of strong waters and wine-licences being principally intended for regulating the retail of these liquors; and the income that could be expected from it, being inconsiderable; no preamble was thought of, to signify the uses of this grant; nor any clause inserted to guard against pensions: But as there is nothing in this act, to denote an intention of private property; the construction of the act, in this particular, must be governed by the usual intention of such grants. This appears from the common case of marriage-articles, agreeing that the intended husband's estate shall be settled upon him and the heirs of his body by that marriage. Although the words of the articles make him tenant in tail; yet, when the articles come to be carried into execution in a court of justice, he is always made tenant for life with remainders to the issue; on a presumption, that such, was the intention of the parties; the intention being usually so, in such cases. This way of reasoning will not be objected to, by

any man who knows, what is generally known and acknowledged, that the intention is not less regarded in the construction of acts of parliament, than it is in the construction of articles. Gentlemen of the law know, that it is more regarded in the former than in the latter.

The old poundage of Henry VII. from the antecedent grants of this tax, appears clearly intended for public uses. In Davis's Reports, page 11. a book of undoubted authority, we have the following history of it.

An act was made in the 14th of Edward IV. erecting a military corporation called the fraternity of St. George, and granting to them and their successors a duty of twelve pence in the pound on exports and imports, for maintaining a military force in defence of the English Pale against rebels. In the 10th of Henry VII. an act was made which recites, that this tax had been converted by the fraternity of St. George to private uses, and not in discharge of the public service; and, therefore, grants it to the crown for a term of five years. On the expiration of this term, in the 15th of Henry VII. the present subsisting act of poundage made this tax perpetual.

The Irish quit-rents and crown-rents being reserved on grants of lands, wherein the crown had private property; these rents were originally the private property of the crown: But by the English act of 11 and 12 William III. it is enacted, that these rents shall for ever hereafter remain and be, for the support and maintenance of the government of Ireland; and that all pensions, since the 13th of February 1688, charged, or hereafter to be charged thereon, shall be void.

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Although the former part of this clause, limiting this revenue to the support and maintenance of government, clearly excluded pensions; the latter part, concerning pensions, was proper for two purposes: The one was, to make pensions void, which would otherwise have been only voidable; and the other was, to annul pensions that were granted between the 13th of February 1688, and the time of making the act; which might otherwise have been deemed valid.

Thus, it most evidently appears, that not only the Irish temporary duties, but also the Irish quit-rents and crown-rents and the Irish hereditary duties which are granted by act of parliament, are all, the public, unalienable revenue of the crown, limited to public uses.

There are but three branches of the Irish revenue, which remain to be considered; prisage on wines, light-house duties and the casual revenue. I cannot find any acts of parliament, granting the two former: If there be none; the crown is to be considered as intitled to them by common law; and, consequently, as having a private property therein. The crown has also a private property in a small part of the casual revenue, belonging to it by common law; which is not distinguished in the public accounts, from such parts of this branch of the revenue, as are granted by acts of parliament.

I do not find that the clear income of these three Branches (prisage on wines, light-house duties and the casual revenue) has ever amounted, in any one year, to fifteen thousand pounds.—If it be so, the private revenue of the crown in Ireland (the only revenue in its nature chargeable with pensions) has never amounted to 15,000*l.* in any one year, since the Irish quit and crown-rents were added to the public revenue:



revenue: as I am informed, it has never amounted to half that sum; and so would appear, were the several parts of the casual revenue distinguished in the public accounts.

The matter, then, stands thus—the revenue of the crown in Ireland, which can legally be charged with pensions, does not amount to fifteen thousand pounds per annum; probably, not to seven: And the pensions on that establishment (exclusive of the French pensions, the military pensions, the pensions to widows of military officers, and the pensions granted under the disguise of salaries annexed to useless offices—a ministerial stratagem of the most dangerous tendency —) amounted to sixty-four thousand one hundred and twenty-seven pounds per annum at lady-day 1761. That they are, since, greatly increased, is certain; although the exact amount of this increase is to remain a secret untill the next session of the Irish parliament: But it is no secret that an unlimited power of increasing them, for ministerial purposes in either kingdom, is asserted and insisted on.

The facts mentioned in this paper, are indisputable: The reasoning seems grounded on established principles of law and common sense. If it be erroneous; the errors, no doubt, will speedily be exposed to public view; and I shall not be ashamed to acknowledge conviction: If it be just, the consequence is obvious — not a single pension on the Irish establishment, warranted by law — all, clearly illegal. It is true, the crown has an undoubted right to charge its private revenue with pensions of any kind, for any term, or in perpetuity, to the full amount of this revenue: But it is equally true, that the grant of any pension not chargeable in law on the public revenue, and yet charged in fact on the revenue at large (comprehending as well the public as the private revenue of the crown)

crown) is clearly against law: The crown is deceived in the grant; and, therefore, not bound by it.

If this deception be, in its consequences, hurtful to both kingdoms; his majesty, no doubt, may properly be informed of it by the grand national council of either. Supposing Britain disinterested; a matter of such importance to her offspring, could not but attract some share of attention. As far as an inviolable attachment to the Protestant succession, can endear the descendants of Britain to their parent-country; so far, Ireland stands intitled to her warmest regards.

Augmenting salaries annexed to public offices, whether civil or military, in proportion as money falls in value, has, at different periods of time, become requisite for the better support and maintenance of government, and the defence and preservation of the kingdom. A reasonable increase of salaries annexed to offices of real public use, is, in reality, part of the public charges and expences; as the hearth-money-act expresses it: But it cannot be said, that a pension of any kind is to be considered in this light; whether it be granted as a generous reward for past services done to the public, or from any other motive.

The sense of the legislature of Ireland upon this point, clearly appears in the hearth-money-act, although this revenue, by the preamble of the act, is to be applied to public uses, the public charges and expences: Yet the clause therein, annulling pensions, contains no exception in favour of pensions granted as rewards for public services. This clearly shews, that the legislature did not consider such pensions, as any part of the public charges: If they did, the act would be inconsistent in itself.

We have also the sense of the English legislature, to the same effect. The act of the 11. and 12. William III. before mentioned, after converting the private property

property of the crown, in the Irish quit and crown-rents, into public property, for public uses, adds a clause, annulling all pensions, without exception, charged or to be charged thereon.

Nothing can more evidently shew, that pensions of all kinds were intended by both legislatures to be excluded from the uses, to which the public revenue of Ireland stands limited. They wisely foresaw how any exception in favour of pensions grounded on public merit, might be abused by servants of the crown and misleaders of the people.

This may suffice to obviate an objection, much relied on; that expending a competent part of the public revenue in pensions, from a principle of charity or generosity, adds to the dignity of the crown; and is, therefore, useful to the public.—Perhaps the granting of pensions may dignify the crown, in the estimation of some people: But, be that matter as it may, the foregoing observations upon the Irish hearth-money-act and the English act of 11 and 12 William III. clearly shew, that charging the public revenue of Ireland with pensions, is contrary to the intention of both legislatures; that is to say, in other words, contrary to law.

Here, it is observeable, that a certain modern species of Irish pensions stands condemned by this objection. If the granting of pensions be useful, for maintaining the dignity of the crown; pensions granted for lives or years, whether in possession or reversion, tend to lessen the dignity of the crown, in succeeding reigns; and are, therefore, injurious to the royal successors, to the nation of Ireland, and to every nation in the British dominions. Some new kind of sophistry must be invented, to frame a plausible apology for the advisers of such pensions.

Although



Although the wisdom of our ancestors excluded pensions of all kinds, as before observed; yet this universal exclusion may now, perhaps, admit of some exceptions, by new law to be made for this purpose; enabling his majesty to charge the public revenue of Ireland with certain pensions, under proper limitations.

The granting of reasonable pensions to widows of military officers, being useful to the public; it seems clear, that such pensions ought to be confirmed by act of parliament; and his majesty enabled to grant the like pensions for the future, out of the public revenue. Pensions to civil officers, really superannuated, seem to fall within the same reason. And it may be a matter, worthy of parliamentary consideration; whether reasonable pensions, which have been granted on principles of charity, should not be confirmed in like manner. It would, at least, be cruel, perhaps unjust, to resume them. Pensioners of this class, relying on their pensions as legal, might probably have been thereby diverted from seeking out other means of living.

I shall not, here, presume to say any thing, concerning the pensions granted on the Irish establishment, to some branches of the royal family: But, without presumption, I may, any where, say, there can be no doubt that the protestants of Ireland (animated by principles of gratitude, justice and honour) will, upon every occasion, to the utmost of their ability, promote the interest and dignity of a family, which not only rescued, but preserves them from the fangs, the bloody fangs of popery.

Surely this family (in itself so amiable, to the protestant interest so essential) must ever maintain the

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warmest place in every protestant heart; notwithstanding all possible abuses of administration.

Having taken the liberty to point out the several kinds of pensions on the Irish establishment, that seem worthy of parliamentary confirmation; I shall crave a little further indulgence, to add — if any pensions have been obtained on that establishment, to serve the corrupt purposes of ambitious men — If his majesty's revenues of Ireland have been employed in pensions, to debauch his majesty's subjects of both kingdoms — If the treasure of Ireland has been expended in pensions, for corrupting men of that kingdom to betray their country, and men of the neighbouring kingdom, to betray both. — If Irish pensions have been procured, to support gamesters and gaming-houses, promoting a vice, which threatens national ruin — If Irish pensions have been pilfered from the crown, to raise and maintain an unnatural power against the crown's vicegerent — if pensions have been purloined out of the national treasure of Ireland, under the mask of salaries annexed to public offices, useless to the nation; newly invented for the purposes of corruption — If Ireland just beginning to recover from the devastations of massacre and rebellion, be obstructed in the progress of her cure by swarms of pensionary vultures, preying on her vitals — If, by squandering the national substance of Ireland in a licentious, unbounded profusion of pensions, instead of employing it in nourishing and improving her infant-agriculture, trade and manufactures; or in enlightening and reforming her poor, ignorant, deluded, miserable natives (by nature most amiable, most valuable, most worthy of public attention) — If, by such abuse of the national substance, sloth and nastiness, cold and hunger, nakedness and wretchedness, popery, depopulation  
and

and barbarism still maintain their ground; still deform a country abounding with all the riches of nature; yet, hitherto destined to beggary — If such pensions be found on the Irish establishment; let such be cut off: And let the perfidious advisers be branded with indelible characters of public infamy; adequate, if possible, to the dishonour of their crime.

END OF VOLUME THE SECOND.